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THE

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THE

HISTORY OF ROME.

BY

WILHELM IHNE.

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PREFACE.

If Dr. Arnold had lived to finish his History of Rome and to embody in successive editions the results of the numerous researches which since Niebuhr's death have thrown so much light on the subject, the present work would perhaps never have been undertaken. Arnold possessed in the highest degree many of the qualities which such a work requires. His style and mode of treatment have a charm that captivates the reader and confers interest even on abstruse and troublesome investigations; his writings exhibit all the dignity of history without the tediousness which makes even attractive subjects too often repulsive; he had no need to descend to the level of the pamphleteer for the purpose of avoiding dulness. His fancy was lively; he could picture to himself and to his readers the most distant situations, the motives and actions of men, and the outward circumstances which formed their background. He entered with warmth and sympathy into the description of the sufferings, the aspirations, the struggles, triumphs, and failures which make up the sum total of the history of our race, and with his own enthusiasm he carried his readers with him. At the same time his judgment was sound, his learning comprehensive, his eye unclouded by prejudice or paradoxical whims. In one respect he would, if he had lived longer, have removed objections that could justly be made.

He would have emancipated himself from the bondage, the willing bondage, to Niebuhr's authority; he would have been the interpreter of his own convictions, and not have continued 'jurare in verba magistri.' But forty years ago the authority of Niebuhr was too great even for such a mind as Arnold's to resist. Niebuhr had resuscitated in Germany the independent search for historical truth, which had long lain dormant; and his first disciples were so penetrated with admiration and gratitude that they hardly dared to criticise, and certainly did not venture to reject, even those theories and speculations which they acknowledged or felt to be supported neither by external evidence nor by internal probability. Since that time a long line of pupils or independent students has, especially in Germany, worked incessantly in the further exploration of that mournful mass of ruins which buries the fallen edifice of Roman greatness. The positive results of Niebuhr's investigations have in a hundred ways been modified, enlarged, or rejected. To write the history of Rome at present from Niebuhr's stand-point would be as unprofitable as to go to war with the fire-arms which were considered perfect in the time of the long peace. We are indeed still in the midst of our improvements. We are gaining new knowledge every day and discarding old errors; but the time seems not unfavourable for a book which, whilst continuing the work of independent research, embodies so much of the results of recent inquiries as may be considered a clear and permanent accession to our stock of knowledge.

The present work is therefore intended to give the history of Rome in the light of present historical science. It addresses itself not so much, or not exclusively, to scholars who are themselves engaged in the same field, as

to cultivated readers who take an interest in the ever young and fresh history of Rome. The author is conscious that, in beauty of expression, perhaps in correctness of style, he cannot rival Arnold; but he hopes that this shortcoming will be compensated by the advance which has since Arnold's time been made in the direction of historical truth.

In the present English edition, the author has endeavoured to make, wherever they appeared necessary, such alterations and modifications as could be introduced without abandoning the original plan. The book is not a translation from the German in the strict sense of the word. It is doubtful if any author can translate his own composition. However much a stranger may deem himself bound to adhere strictly to the text which he is asked to render in another language, the author, dealing with his own composition, will not submit to be his own slave; he will improve, enlarge, curtail, omit what he thinks proper, and, above all, he will correct errors into which he has fallen—in fact, he will rewrite his work, and that is precisely what has been done in the present instance.

In conclusion, the author desires to express his obligations to the Rev. GEORGE W. COX, who undertook the task of seeing the book through the press, revising the text, adding marginal notes and references, and making many valuable suggestions, of which the author has freely availed himself.

Writing this Preface almost within hearing of the roar of battles, which rivet the attention and quicken the pulse not only of those who are directly interested, but even of neutral lookers-on, the author fears that the

overwhelming interest of this gigantic conflict between Germany and France may for a time divert the attention of the public from the records of a distant past. But the storm will surely pass over; quiet will return, and the undying interest which cultivated nations have at all times felt in the history of classical antiquity will revive. That this happy time may come very soon is a wish that millions will share with

THE AUTHOR.

VILLA FELSECK, near HEIDELBERG:
August 6, 1870.

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FIRST BOOK.

THE REGAL PERIOD.

CHAPTER I.

THE LEGEND OF ÆNEAS.

WHEN, according to the counsel of the gods, Troy was conquered by the Greeks, the noble Æneas, with a number of Trojans, fled from the burning city. He carried his father Anchises on his shoulders, and led his son Ascanius by the hand. Nor did he forget the sacred image of Pallas which had fallen from heaven, but he saved it from the hands of the conquering enemy. Therefore the gods loved him, and Mercury built him a ship, which he entered with his family and followers, that he might find a new home far from Troy. But his mother Venus showed him the direction in which he should steer, for she let[1] her star shine before him till he reached a distant coast in Italy, not far from that part where the river Tiber flows into the sea. There the star suddenly disappeared. Æneas landed with his people, and called the place Troy, in memory of his beloved home.

How Æneas took the Palladium from Troy to Italy.

The king of the country was called Latinus. He received the strangers kindly, made a league with Æneas against his enemies, and gave him his daughter Lavinia in marriage. Æneas then built a town, and called it Lavinium; and he fought against the enemies of the country, and killed Turnus, the king of the Rutuli; and when Latinus had fallen in battle, Æneas reigned in his stead over the united people of the natives and the Trojans, and he called them Latins after the name of Latinus.

How Latinus made a league with Æneas.

When he had ruled for three years, he waged a war against Mezentius, the king of the Etruscans in Cære.

Of the war with Mezentius,

[1] Servius, ad Virgil. *Æn.*, i. 382.

BOOK I.

Then it came to pass that in a battle on the river Numicius a storm and sudden darkness separated the combatants. When it became light again and they looked for Æneas, he was nowhere to be found. Then his people saw that the gods had taken him to themselves, and they built him an altar, and worshipped him from that time as the 'native Jupiter.'

the king of the Etruscans.

Of the kings who ruled in Alba Longa.

But Ascanius the son of Æneas, who was also called Iulus, left the town of Lavinium after thirty years, and built a new city, high on the hill near a deep lake; and he called the town Alba Longa, and there he and his descendants reigned three hundred years over the whole country of the Latins from the mountains to the sea, and all the Latin towns were subject to Alba. There were thirty of them, and they formed a league amongst themselves, and Alba was the chief town of the league, and upon the summit of the Alban hill they built a temple to Jupiter Latiaris, for thus King Latinus was called after his death when he had become a god. In this temple the thirty Latin towns offered up an annual sacrifice and celebrated games in honour of the god. But the sacred relics of Troy, which Æneas had rescued, remained still in Lavinium, the first place in Latium where they were worshipped; and whenever they were carried away from it to Alba Longa, they returned of their own accord to Lavinium in the night. So Lavinium remained a sacred town among the Latins, and the priests offered up yearly sacrifices for the whole of Latium in the sanctuaries of the Penates and the Lares, the tutelary gods of the Latin race.

Critical Examination of the Legend of Æneas.

General acceptance of the story of Æneas as an historical tradition.

In the period of contemporary history the immigration of Æneas and the Trojan colony was considered in Rome an undoubted fact. It was publicly recognised by the state as early as the first Punic War. At that time the Senate interceded with the Ætolians in favour of the Acarnanians, because among all the Greeks the Acarnanians

had been the only people who had not taken part in the war against Troy.[1] On several occasions the Romans conferred favours on the people of Ilium on the ground of their being of a kindred race. Many of the Roman families were proud to trace their descent from the Trojan colonists, and when the Julian house rose to the highest position in the state, the legend of Æneas acquired more and more splendour and importance. At last it was celebrated by Virgil, and so interwoven with the existence and greatness of Rome that through the whole of antiquity and the middle ages, and in fact up to the time of the rise of historical criticism, it was universally recognised as an authentic tradition. Nevertheless, it can be satisfactorily proved that the legend, even in those parts which do not contain anything supernatural, is devoid of all historical foundation, and owes its origin wholly and entirely to the imagination.

Legends of the Trojan heroes.

The Roman legend of Æneas is one of a numerous class of myths, which are found in different places, especially on the coast of the Mediterranean Sea, and which trace the foundation of towns back to the heroic age of Greece. The splendour of the epic poetry of Greece, especially that of Homer, was reflected on the islands and sea-coasts of the far West, where in the course of centuries Greek sailors had ventured or Greek emigrants had settled. Everywhere the settlers took their gods and their heroes with them, and even the surrounding barbarians were glad to exchange the shadowy forms of their own mythology and past history for the brilliant heroes of Greece or Troy.

Causes which gave prominence to the story of Æneas.

Among the innumerable city-legends connected with the Greek and Trojan heroes of the epic age, that of the building of Rome has nothing especially to recommend it, on the score of inherent probability or external proof. Nothing but the greatness of Rome rescued it from the obscurity in which the other legends were

[1] Other instances are quoted by Schwegler, *Röm. Gesch.*, i. 305.

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buried by the lapse of time. If, instead of Rome, Tusculum had become the mistress of the world, Æneas and his Trojans would have been forgotten, and Telegonus, the son of Ulysses, would most probably have occupied the place of founder of the Empire. In that case, instead of the Æneid, we should have had songs celebrating Telegonus, and the noble families of Tusculum would have derived their descent from the companions of the far-travelled Ulysses.

Greek myths of Æneas.

If we ask for the actual evidence of the Trojan immigration, we find that the older Greek authors, from Homer downwards, know nothing of it, and indirectly contradict the Roman legend by making Æneas rule as king, and die either in his own country or in other places.

Ubiquity of Æneas and other heroes.

The pretended settlements of Æneas are as numerous as the towns which by their names seem to refer either to him or to his father Anchises, or to one of his companions. Thus it was said that he founded the town of Ænos in Thrace, the town of Ænea in Chalcidice; and that in the neighbourhood of Cumæ he landed on the island Ænaria. In many places his tomb was shown, but more especially the numerous temples of his divine mother, Venus, found along the coast of the Mediterranean, were ascribed to him as their founder. While the older Greek authors know nothing of Æneas as settling in Latium, we do not meet with any noteworthy writer who mentions this event before the third century B.C. The Greek historian Timæus is the first who distinctly refers to the settlement of Æneas in Italy, and the poet Nævius, a little later, is the first Roman authority. There is therefore no reasonable ground for supposing that for the space of eight or nine hundred years the legend of Æneas had any existence at all. It would be useless to dwell longer on a narrative which in itself is so utterly void of historical foundation and internal probability, and which in fact is only interesting because in later times it was part of the national belief,

and exercised an influence on the literature and politics of Rome.[1]

Many versions of the legend of Æneas.

The legend of a Trojan settlement in Latium in the form given above was the most generally received, but by no means the only version of the legend of Æneas. No less than eighteen different forms of the legend of the foundation of Rome connect it directly with the wanderings of Æneas or Ulysses, and place it therefore in the Trojan age. This conception was undoubtedly the oldest. But when the Romans discovered from the chronological tables of Greece that many centuries intervened between the destruction of Troy and the commencement of the period of the Roman kings, they found it necessary to fill up the gap by an imaginary line of Alban kings, and to place the Trojan immigration at a period anterior to the foundation of Rome. It appears that in Rome the descent of the founder from Alba was a received national tradition, before anybody thought of tracing it to Æneas. The connexion with Alba could not therefore be set aside, else it would have been easy to make Æneas sail into the Tiber and found Rome, and in that case a line of Roman instead of Alban kings might have been invented to connect Æneas with Romulus. It is therefore quite clear that the legend of Æneas is of a comparatively recent date, later at least than the story of Romulus and Remus as the sons of the Alban Vestal virgin. It did not arise, in all probability, before the Romans became acquainted with the Italian Greeks; and after it had passed through the most varied and capricious forms, it at last assumed that shape in which, its principal features being preserved, it became the national belief of the Romans.

[1] Schwegler, *Röm. Gesch.*, i. 279–336, and Sir G. C. Lewis, *Credibility of the Early Roman History*, i. 298–352. These two writers have thoroughly exhausted the subject and settled the question.

CHAPTER II.

THE LEGEND OF ROMULUS.

BOOK I.

Of the feud between Amulius and Numitor.

Now when the time was fulfilled in which, according to the decree of the gods, Rome should be built, it came to pass that after the death of Procas, the king of Alba, a quarrel arose between his two sons concerning the throne. Amulius, the younger, took the government from his elder brother Numitor, killed his son and made his daughter Rhea Silvia a priestess of Vesta, to the end that she should remain a virgin all her life, engaged in the service of the goddess who presides over the city-hearth and loves purity and chastity in those who serve her. But the wicked king was not able to oppose the will of the gods. For Mars, the god of war, loved the virgin, and she bore twins. When Amulius heard this, he ordered the mother to be killed and the twins to be thrown into the river Tiber. But the water had risen and had formed shallow pools along the banks where it flowed but slowly. Here the servants of the king placed the basket with the children in the water, thinking that it would float down with the stream and then sink. But the gods watched over the children, and the basket floated to the foot of the Palatine hill, near the cave of the god Lupercus, and was caught by the branches of a fig-tree. This was the Ruminal fig-tree, which continued to grow for centuries, and bore witness to the miracle. The waters of the river now fell rapidly, and the two boys remained on dry land.

Of the rescuing of Romulus and Remus

Attracted by their cry, there came a she-wolf out of the cave of Lupercus and suckled the children with her own milk, and licked them with her tongue. And when Faus-

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tulus, a shepherd who tended his flocks hard by, saw it, he scared away the animal and brought the children to his wife Acca Laurentia, and called them Romulus and Remus, and brought them up as his own children. When the boys were grown up, they distinguished themselves among the shepherds of that country by their strength and courage; and they protected the weak against the strong who went out to pillage and plunder. Then it came to pass that their enemies lay in wait for them while they were celebrating the festival of the god Pan. And Remus was taken prisoner, and brought before his grandfather Numitor, and accused of having injured his cattle. But Romulus escaped. Then Faustulus delayed no longer, but told Romulus of his mother and how he was destined to death by Amulius and miraculously saved. And Romulus and his followers forced their way into the town of Alba, and set his brother free, and the two brothers slew the unjust and cruel Amulius, and placed their grandfather Numitor again upon the throne.

and of the punishing of Amulius.

But the brothers would not remain in Alba, and determined to build a new city on one of the seven hills by the Tiber, near the spot where they had grown up among the shepherds, and they were joined by many from Alba and from the whole country of the Latins.

Of the city founded by the twin brothers.

Now, as Romulus and Remus were twins, and as neither would yield to the other in honour and power, there arose a quarrel between them and their followers which of them should give his name to the new town and govern it. And they determined to let the gods decide by a sign from the sacred birds. Then Romulus with his followers observed the heavens from the Palatine hill, and Remus took his station on the Aventine, and thus they both waited for a sign from heaven, from midnight until morning. Then there appeared to Remus six vultures; and he rejoiced and sent messengers to his brother announcing that the gods had decided in his favour. But at the same moment Romulus saw twelve vultures, and therefore it was plain that the gods gave the preference to Romulus.

How Remus was slain by Romulus.

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Therefore he built the town on the Palatine hill, and called it Rome after his own name, and drew a furrow round it with the sacred plough, and along by the furrow he built a wall and dug a trench. But when Remus saw the doings of his brother, he mocked him, and leaped over the wall and the trench to show him how easily the town might be taken. Then Romulus was wroth and slew his brother and said, 'Thus may it be with anyone who dares to cross these walls.' And this remained a warning word for all future times, that no enemy should venture to attack Rome unpunished.

Of the asylum of Romulus.

After this Romulus opened a place of refuge on the Capitoline hill. And there came a great many robbers and fugitives of all kinds from all the surrounding nations, and Romulus received them all and protected them and made them citizens of his town.

How Romulus obtained wives for his people.

But there was a lack of women in the new community. Therefore Romulus sent messengers to the towns round about asking the neighbours to give their daughters in marriage to the Romans. But the messengers were sent back contemptuously, and they were told that there could be no union and no friendship with a band of robbers and outcasts. When Romulus heard this answer he hid his anger, and invited the dwellers round about to come to Rome with their wives and children to see the games which the Romans wished to celebrate in honour of the god Consus; and a great number of Sabines and others came; and when all eyes were fixed on the games Romulus gave his people a sign which had been agreed upon. And suddenly there rushed out a number of armed men, who surrounded the place and carried away the young women of the Sabines. But the parents of the women hurried away from Rome with curses against the faithless town, and swore to take vengeance on Romulus and on his people.

How he slew Acron, king of Cænina.

First the men of Cænina rose, and would not wait until the others were ready for war, but sent out an army to lay waste the Roman land. But Romulus went out against

them and drove them back, and slew Acron their king with his own hand. Then he returned triumphantly to the city, bearing the armour of the slain king on a pole, and brought it as an offering to Jupiter. Thus Romulus celebrated his first triumph over his enemies in the first war which he waged as a sign that Rome would subdue all her foes.

The story of Titus Tatius and Tarpeia.

Now when the men of Crustumerium and Antemnæ also went forth to take their revenge on the Romans for the rape of the women, Romulus marched against them and subdued them in easy combat. But the Sabines, who lived further up the mountains in the direction of Cures, did not go forth till they had gathered a powerful army. And their king, Titus Tatius, pressed forward and encamped on the Quirinal hill, which lies opposite the Capitol. Now, one day, when Tarpeia, the daughter of the Roman captain on the Capitol, had gone out to draw water, the Sabines begged of her to open a gate and to let them into the citadel. This Tarpeia promised, having made them swear that they should give her what they wore on their left arms, meaning thereby their gold armlets and rings. Whereupon, when the Sabines had penetrated into the citadel, they threw their heavy shields which they wore on their left arms on Tarpeia and killed her with their weight. So the traitress met with her reward.

Of Mettus Curtius and Hostus Hostilius.

Now when the Sabines had won the Capitol, they fought with the Romans who lived on the Palatine, and the fighting was up and down in the valley which separates the two mountains. The champion of the Sabines was Mettus Curtius, and that of the Romans Hostus Hostilius. When Hostus fell, the Romans were seized with a panic, and they fled back to the Palatine, carrying Romulus with them in their flight. But at the gate of the town Romulus stopped, raised his hands to heaven, and vowed that he would build a temple on this spot dedicated to Jupiter Stator, that is, the Stayer of Flight,[1] if he would be helpful

[1] This explanation of the word Stator, which is the origin of the legend in the text, is very doubtful. Cicero (1 *Catil.* 3) takes it to mean the Establisher

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to the Romans. And behold, as if a voice from heaven had commanded them, the Romans stayed their flight, turned round against the advancing Sabines, and drove them back against the Capitoline hill. Then it came to pass, that Mettus Curtius sank with his horse into the marsh, which then covered the lower part of the valley, and he almost perished in the marsh. And the place where this happened was called for ever after the Lake of Curtius.

How the fight was stayed by the Sabine women.

When the battle had come to a standstill, and Romans and Sabines were facing each other and ready to begin the battle afresh, behold, the Sabine women rushed between the combatants, praying their fathers and brothers on the one side, and their husbands on the other, to end the bloody strife or to turn their arms against them, the cause of the slaughter. Then the men were all quiet, for they thought the advice of the women reasonable; and the chiefs on each side came forward and consulted together, and made peace; and to put an end to all disputes for ever, they decided to make one people of the Romans and Sabines, and to live peaceably together as citizens of one town. Thus the Sabines remained in Rome, and the city was doubled in size and in the number of its inhabitants, and Titus Tatius, the Sabine king, reigned jointly with Romulus. But as Tatius and his people came from Cures, the city of the Sabines, high up among the mountains, the united people was called the Roman people of the Quirites, and the name remained in use for all times.

Of the laws which Romulus made for his people.

After this Tatius had a quarrel with the men of Laurentum, and when he brought offerings to the sanctuary of the Penates at Lavinium, he was slain by the Laurentines. From that time Romulus governed alone over the two peoples, and he made laws to govern them in peace and war. First of all he divided them into nobles and commons; the nobles he called Patricians, and the commons Plebeians. Then he divided the Patricians into

and Founder of the City. 'Tu Jupiter, qui iisdem, quibus hæc urbs, auspiciis a Romulo es constitutus, quem Statorem hujus urbis atque imperii vere nominamus,' &c. For another explanation see Cox, *Mythology of the Aryan Nations*, i. 341.

three tribes, the Ramnians, the Titians, and the Lucerans, and in each of these tribes he made ten divisions, which he called Curies. And when the Patricians assembled together to administer justice and to make laws, they came each in his curia and gave their votes, and the votes of each curia were counted, and what the greater number had decided, that was taken to be the wish of each curia. All the Patricians were equal among themselves, and every father of a family governed those of his own house, his wife, his children, and his slaves; having power over life and death. And several families united together and formed Houses, and the houses had their own sanctuaries, customs, and laws. But the Plebeians Romulus portioned out as tenants and dependants among the Patricians, and called them Clients, and commanded them to serve their masters faithfully, and to help them in peace and in war; and the Patricians he recommended to protect their Clients against all injustice, and on that account he called them Patrons, that is, Protectors. And from among the Patricians he chose a hundred of the oldest and wisest men to be his Council of Senators, that is, Elders, and to advise him on all great matters of state, and to help him to govern the city in time of peace. But out of the young men he chose a legion or army of 3,000 foot soldiers and 300 horsemen, according to the number of the three tribes and the thirty curies, out of every curia 100 foot soldiers and ten horsemen, and for the captain of the horsemen he chose a Tribune of the Celeres, for Celeres was the name of the horsemen.

Of the taking of Fidenæ.

After the city had been so ordered and made strong to defend her freedom, Romulus governed wisely and justly for many years, and was beloved by his people as a father. He conquered his enemies in many wars, and won Fidenæ, an Etruscan town on the left bank of the Tiber, not far from Rome.

How Romulus was taken up into heaven.

Now when all that Romulus had to carry out was fulfilled according to the will of the gods, it came to pass that he assembled the people to a festival of atonement at

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the Goat-pool, on the field of Mars, which extends from the town towards the north, even to the Tiber. Then there arose suddenly a fearful storm, and the sun was darkened, and out of the clouds came lightning, and the earth quaked with the thunder. And the people were frightened, and waited anxiously till the storm should clear away. But when daylight returned Romulus had disappeared and was nowhere to be found. And his people mourned for him. Then Proculus Julius, an honourable man, came to them and said that Romulus had appeared to him as a god, bidding him tell his people not to mourn for him, but to worship him as Quirinus, to practise valour and all warlike virtues, that they might please him and might gain for themselves the power over all other nations. Then the Romans rejoiced, and erected on the Quirinal hill an altar to the god Quirinus, and worshipped him as their national hero and their protector for ever afterwards.

Critical Examination of the Legend of Romulus.

The story of Romulus not historical.

In the preceding pages we have given the legend of the foundation of the town in its principal features, as it was probably first related by the oldest Roman historians, Q. Fabius Pictor and L. Cincius Alimentus, in the time of the second Punic war. We shall now proceed to show that it can make no claims to historical authenticity.

Euèmeristic interpretation of the legend.

The Romans of the later republic already had given up as untenable all that was miraculous in the legend of Romulus, but they fancied that by a rationalistic interpretation of the supernatural they could gain a plausible account of at least possible or probable events. The God of War was explained away. It was not Mars who loved the Vestal virgin and became the father of the twin-founders of Rome, but some stranger disguised as Mars frightened and deceived Rhea Silvia.[1] The miraculous nurse of the children was not a she-wolf but a woman

[1] Dionysius, i. 77.

of ill repute, for *lupa* was the name for both.[1] Romulus was not taken away from the earth by the gods, but the patricians being dissatisfied with him, killed him, cut him in pieces, and carried these pieces away under their clothes.[2] In those parts of the legend which contained nothing supernatural these critics saw no difficulty, and so they flattered themselves that they had worked out a genuine history of Romulus.

Laws of historical credibility.

Such a proceeding cannot satisfy us. The first question which historical criticism suggests is an inquiry into the evidence for an asserted fact, and the second is that of its internal probability. All evidence must in the end be traceable to contemporaries and eye-witnesses, and it must be such that the judgment and truthfulness of the witnesses cannot be called in question. It is clear that no evidence whatever can prove that which to our comprehension appears impossible. Writers, therefore, who relate historical miracles, though they may claim to have been eye-witnesses, must be supposed to have been deceived or to wish to deceive. Where trustworthy evidence of contemporaries is wanting, and where the second or third hand evidence is full of contradictions, improbabilities, chronological and other errors, it were vain to believe that the story has any historical foundation.

Roman chroniclers.

No written chronicles dating as far back as the regal period ever existed in Rome.[3] The date of the first historical documents of the time of the republic is extremely doubtful. So much, however, is certain, that they referred to contemporary events, and not to times long past. The writing of History, properly so called, was begun in Rome at a comparatively late period. The Romans, with all their attachment to old forms, customs, and laws, were deficient in the real historical spirit, and especially in

[1] Livy, i. 4. Dionysius, i. 84. Plutarch, *Rom.*, 4.

[2] Livy, i. 16. Cicero, *De Rep.*, ii. 10. Dionysius, ii. 56. Plutarch, *Rom.*, 27.

[3] See Schwegler, *Röm. Gesch.*, i. book i. Concerning two alleged inscriptions of the time of Servius Tullius and Tarquinius Superbus, see below chaps. vii. and viii.

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critical investigation.[1] The oldest annalistic accounts of past events, *i.e.* accounts in the form of annual reports, did not go further back than the beginning of the republic. Into the origin of the state nobody thought it worth while to inquire before Rome had risen in power and dignity above the other towns of Latium. When this was first attempted, not only the events but the laws and institutions of the regal period, the old religion with its customs, its gods, and even its language, had been forgotten or had become for the most part unintelligible. The first connected history of the foundation of Rome of which we have any knowledge, that of Fabius Pictor, dates from the time of the second Punic war, and is therefore 500 years later than the alleged date for the founding of Rome. It is probable, however, that when Fabius wrote, the story of Romulus was commonly received; for in the year 458 after the foundation of Rome, *i.e.* 296 B.C., a bronze cast representing the suckling she-wolf and the twins was set up at the foot of the Palatine hill.[2] For a period therefore of at least four centuries we can discover no trace of the legend of Romulus in any monuments or authentic records. There is, for the whole of this long period, nothing but oral tradition by which the memory of historical events of the time of Romulus could have been preserved and handed down, and to oral tradition alone we are therefore compelled to trust if we would make out a 'history' of the foundation of Rome.

[1] As the alleged written documents from the regal period are worthless, so, of course, the pretended historical relics of that time are of no value whatever. The old Romans were as fond collectors and worshippers of relics as their Roman Catholic descendants are at the present day. The ship in which Æneas sailed from Troy to Latium was preserved and shown, even down to the time of the Emperors (Procop, *Bell. Goth.* iv. 22); and the body of the sow which guided him to the spot where his city was to be built, was preserved in pickle at Lavinium (Varro, *De R. R.*, ii. 4); there was the thatched cottage (Dionysius, i. 79), and the augural staff of Romulus (Cicero, *De Divin.*, i. 17; Plutarch, *Rom.* 22), the Ruminal fig-tree which caught with its branches the basket with the twins (Livy, x. 23), the tree which had grown out of Romulus' spear, when he hurled it against the Palatine hill (Plutarch, *Rom.*, 20; Servius, ad Virg. *Æn.* iii. 46), and similar relics. An interesting catalogue of such prehistoric relics might be made, but they contribute nothing to our knowledge of the prehistoric period.

[2] Livy, x. 23.

CHAP. II.

We shall not rashly venture on such an undertaking, if we bear in mind how fast, and how easily, even in times of great literary activity, historical events fall into oblivion, or are strangely distorted by the uneducated, whose memory is not guided and corrected by written documents.[1]

Character of Roman popular traditions.

Now, it cannot be denied that poetry, in the absence of writing, is calculated to keep up tradition in a comparatively pure and genuine form. Popular songs in praise of heroes of the past may live for centuries in the mouth of the people, and may save many an event from oblivion. It has been conjectured, therefore, that there existed in Rome at a very early period a great national epic poem, and that the oldest annalists drew some of their facts from poems of this sort, which recorded the exploits of Romulus and other great men, mixed up with fiction, but by no means entirely fictitious. This hypothesis was set up by Niebuhr, and it met with much approval. But at present it is almos universally abandoned, and for very good reasons.[2] There is in favour of it neither sufficient external evidence nor internal probability. The character of the narrative itself speaks against it, for, with few exceptions, it is destitute of all poetical elements; it is dry, bald, jejune, unimaginative—in one word, unpoetical. It is really nothing more than a string of tales, in which an attempt is made to explain old names, religious ceremonies and monuments, political institutions and antiquities, and to account for their origin.

Eponymous heroes.

Thus even the name of the founder of Rome is evidently derived from the name of the town, not contrariwise, as the legend has it.[3] In a similar manner, all the nations of antiquity invented a legendary ancestor for themselves; the Dorians claimed descent from Dorus, the Ionians from Ion, the Latins from Latinus, and the Sabines from Sabus. Of course the Romans had their own progenitor, who appropriately was called Romus or Romulus.

Supernatural

The miraculous portion of the legend of Romulus, of

[1] See Schwegler, *Röm. Gesch.*, i. 42. [2] Ibid. 53. [3] Ibid. 418.

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course, does not deserve serious consideration. It is connected with local sanctuaries and with the religious conceptions of the shepherds on the Tiber, and is not more historical than are the myths of Herakles, Theseus, Janus, Saturnus, and Latinus.

elements in the story of Romulus.

The story of the asylum is of a different kind. There is nothing supernatural in it, and though it was not flattering to the Roman pride, it was never doubted by the Romans. Nevertheless, it is not difficult to perceive that it deserves no more credit than the legend of the suckling she-wolf. It is strange at the very outset that the legend of the asylum is at variance with the alleged descent of the Romans from Alba. How can one imagine that a colony founded by the heirs of the Alban kings could be so forsaken and estranged from the parent town, and so hostile to it, as the legend of the asylum would imply? Either the Alban origin is a mere fiction,[1] or the population of Rome could not to any large extent be made up of exiles from the neighbouring States. But independently of this consideration, the process of increasing the population of a town by means of such an asylum for the reception of fugitives and outcasts is in the highest degree improbable, and as it is not reported to have occurred in any second instance, it must have been uncongenial to the national sentiments and the practices of ancient Italy. The old Italian communities were by no means open to strangers. They were made up of tribes, houses and families firmly bound together, and admitting none but hereditary members to participation in the religious rites peculiar to each. It is not likely that crowds of vagrants infested the country, nor that an organisation

The asylum.

[1] Rome was neither a colony of Alba, as Dionysius (i. 71) says, nor did it owe its origin to a secession, as has been recently supposed. (See Schwegler, *Röm. Gesch.*, i. 452.) The oldest legend of the foundation of Rome knew nothing of Alba. When Rome became the head of Latium, in place of Alba, and not before, the idea arose of representing the former as having issued from the latter. Later still, when the legend of Æneas found acceptance, and when it was discovered that Romulus could not be the son of Æneas, on account of the three hundred years which separated the two, the whole series of Alban kings was invented to fill up the gap.

like that of the Roman patricians, with their tribes, curies, and gentes, could have grown out of such materials.[1]

Greek notions of sanctuary.

A still more forcible objection to the authenticity of the story of the asylum is the circumstance that the Romans, down to the time of the emperors, were practically unacquainted with the Greek custom of 'taking sanctuary,' as the word 'asylum' shows, which they had to borrow from the Greeks. It can therefore hardly be doubted that the story of the asylum first arose when Greeks were busy in importing into the history of Rome their notions and their fables, their gods and their myths.

The rape of the Sabine women.

As according to the legend a part of the male population came to Rome through the asylum, so the women were carried off by force four months after the foundation of Rome. The story of the rape of the Sabines is therefore in a certain degree a parallel to that of the asylum. It is without all doubt a pure invention of later times, without the least foundation in fact. The date for the rape of the Sabines in the fourth month of Rome might seem to point to something like a tradition; but it is in fact only the result of the calculation that the festival of the Palilia, which was considered the day of the foundation of Rome, fell on the 21st of April, whilst that of the Consualia, on which the games were celebrated and the women ravished, took place four months later, in the month of Sextilis.[2] Cneius Gellius was the only annalist who gave the fourth year instead of the fourth month as the date of this rape.[3] He wisely thought it somewhat improbable that, after a reign of four months, Romulus would have already ventured upon such an act of violence, and accordingly he corrected the date given by his predecessors. With so much freedom was the pretended history of that time handled. But, unfortunately, it is not always so easy to discover the reason for assertions which were so long looked upon as simple statements of well-recorded facts.

[1] Schwegler, *Röm. Gesch.*, i. 465.

[2] Niebuhr, *Röm. Gesch.*, i., note 630.

[3] Dionysius (ii. 31) highly approves of this ingenious device.

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The same freedom appears to be used in dealing with the statements as to the number of the ravished Sabines. The old legend mentioned only thirty, and traced the names of the thirty Curies to the names of these thirty Sabine women. The number *thirty*, which occurs so often in the stories of ancient Rome,[1] betrays their legendary origin. Accordingly it was rejected by those who tried as much as possible to turn the legends into history. Livy considers *thirty* too small a number; he thinks there must have been many more, and he cannot discover on what grounds the selection was made of those whose names were to be given to the thirty Curies (Livy, i. 13). The annalist, Valerius of Antium, who is pre-eminent among the Roman historians for circumstantial descriptions of unascertainable facts, and who is never at a loss for accurate numbers, informs us that the number of the Sabine women was five hundred and twenty-seven.[2] This accuracy seems to settle the question. But Valerius found a rival in the historian Juba, the son of the Numidian king, who seems to have made equally erudite researches in Roman antiquities, and to have discovered that 683 was the right number. This uncertainty with regard to dates and numbers stamps the story of the rape of the Sabines as void of all historical truth. We cannot, therefore, agree with Niebuhr, who thinks he can discover some historical facts through this legendary mist. As he supposes, the inhabitants of the Palatine had not the right of intermarriage (*connubium*) with their Sabine neighbours on the Capitoline and the Quirinal. This inferiority of the Palatine Romans to the Sabines of the Capitoline and Quirinal hills caused discontent and war. The right of intermarriage was obtained by force of arms, and this historical fact lies at the bottom of the tale of the rape of the Sabines.[3]

The myth connected with

Such a method of changing legends into history is of very doubtful utility. It seems more natural to explain

[1] See pages 3, 4.

[2] Plutarch, *Rom.*, 14.

[3] Niebuhr, *Röm. Gesch.*, i. 306; English translation, i. 292. Schwegler, *Röm. Gesch.*, i. 494.

the legend from the customs at the Roman marriage ceremonies.[1] The Roman maiden was carried away from her parents by her bridegroom with pretended force;[2] she was led by three youths to her new home and lifted over the threshold, her hair having been previously parted by the point of a spear. 'Under compulsion and with sorrow the Roman bride entered her husband's dwelling.'[3] A woman could not be married on a day sacred to the celestial gods, because violence, lamentation, and mourning were as hateful to them as they were acceptable to the deities of the nether world.[4] All these references to force and violence are so striking, that the ancient writers explained them by referring to the rape of the Sabines.[5] We reverse the argument, and trace the story of the rape, which is evidently a fable, to the ceremonies which were assuredly customary, and did not arise from a single historical event, but from an ancient popular feeling interwoven with religious conceptions.[6]

Roman marriage ceremonies.

The only feature in the story of Romulus which is in a certain degree historical is the narrative of the advance of the Sabines under Tatius, and of their capture of the Capitol. It cannot be doubted that the Sabines, the inhabitants of the central mountains of Italy, penetrated in the earliest period into the plains, as they did repeatedly in historical times,[7] and it is equally certain that a large

Tatius and the Sabines.

[1] Schwegler, *Röm. Gesch.*, i. 468.

[2] Festus, s. v. rapi, p. 289, ed. Müller: 'Rapi similatur virgo ex gremio matris . . . quum ad virum trahitur, quod videlicet ea res feliciter Romulo cessit.'

[3] Varro in Plutarch, *Quæst. Rom.*, 105.

[4] Hartung, *Religion der Römer*, ii. 88. The god Consus, in whose honour the Consualia were celebrated, was not Neptunus Equester, but a terrestrial god, and author of fruitfulness in plants and animals. Schwegler, *Röm. Gesch.*, i. 472, has shown this in a masterly manner. See also Cox, *Mythology of the Aryan Nations*, i. 346, note 9.

[5] Plutarch, *Rom.*, 15.

[6] The custom is not confined to Italy. Among the Spartans also it was customary for the bridegroom to carry away the bride by pretended violence. Plutarch, *Lycurg.*, 15; Müller, *Dorians*, ii. 292. Hermann, *Griech. Privat. Alterthümer*, § 31, Anm. 13.

[7] See the Author's *Forschungen*, p. 32; English translation, *Researches*, p. 44; Schwegler, *Röm. Gesch.*, i. 24.

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portion of the Roman people were of Sabine origin. The Latins also, the inhabitants of the plain, were related to the Sabines,[1] and had in early times immigrated from their native land. It appears that at the time which is assumed as that of the foundation of Rome, a body of these bold mountaineers settled on the Quirinal and Capitoline hills. The Quirinal indicates by its name, and by many Sabine sanctuaries on it, that it was inhabited by Sabines. Sabine altars were likewise consecrated on the Capitol. The distinguishing name of these Sabines was Quirites, a word either derived from the Sabine word quiris, a lance, or from the town of Cures, from which these conquerors are said to have come. The Quirites, who settled on the Quirinal and Capitoline hills, were a conquering race. Their god Quirinus became identified with Romulus, the patronymic hero of the Roman people; and their name of Quirites was joined with the name of Romans, to form the official designation of the united people, 'the Romans and Quirites.' Much in the customs of the Romans may be traced back to the Sabines with tolerable certainty. The strict organisation of the Roman family, and of the *gens*, the enlarged family or house, was Sabine; as were also the laws of paternal authority and of property—the real groundwork of the Roman political discipline. The Roman religion is constantly declared by the Romans themselves to be Sabine in its most important elements, and its introduction is attributed to the Sabine king Numa. It may therefore be assumed that, at one time, when on one or another of the seven hills there were independent Latin communities, Sabine conquerors also settled in the same locality. But the Roman pride would not allow that Rome had ever been conquered by strangers. Accordingly the legend partially obliterates the Sabine invasion and conquest, and represents the two nations as joined together by a league between Romulus and Tatius; but through the mist of the early traditions, thus much

[1] See the Author's *Forschungen*, p. 31; English translation. p. 40.

seems manifest, that the conviction of a Sabine conquest of Rome was general at a very remote period.

The legislation of Romulus.

What is reported of the legislation of Romulus rests on the plausible supposition that he, as founder of the state, must also have formed the constitution of the state and the groundwork of civil order. Accordingly Romulus is said to have divided the people into three tribes, the Ramnes, Tities, and Luceres; that he formed three centuries of knights, of a hundred horsemen each, and a senate of a hundred members, which he doubled after the union with the Sabines. In these statements genuine traditions are altogether out of the question, inasmuch as irreconcilable contradictions prevail most capriciously among the different reports as to the original form and meaning of the several institutions. This is particularly evident in the reports about the institution of the senate and the origin of the three tribes.

The senate.

In the organism of the state the most important member after the king was the senate. On this subject, therefore, one would expect certain information, however vague the traditions might be in other respects. Yet what our authorities say about the formation of the senate and the original number of its members shows that they report their speculations as if they were facts. Livy relates that Romulus selected a hundred senators, and he knows of no further extension in the reign of Romulus.[1] Dionysius says that a hundred Sabine senators were added to the senate after the peace with Tatius.[2] Others say that the new members only numbered fifty.[3] Plutarch, in one place, makes the number of the senators to have been 150, in another 200.[4] It is impossible to reconcile such contradictory statements, or to separate what is true in them from what is false. Every writer related capriciously, and almost at random, what appeared to him most probable, without having the least foundation for his assertions,

[1] Livy, i. 8. [2] Dionysius, ii. 47. [3] Dionysius, ii. 47, mentions this.
[4] Plutarch, *Num.*, 2, and *Romul.*, 20.

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and without even pretending to have trustworthy information.[1]

Mode of electing senators.

With regard to the mode of appointing the senators, the same difference of opinion and the same caprice prevail. While Cicero,[2] Livy, and most other authors leave to the king the free choice of the senators, the ingenuity of Dionysius has invented a most intricate mode of election.[3] He says that each of the three tribes and each of the thirty curies chose three senators, and to these ninety-nine Romulus added the hundredth. Dionysius tried in this way to solve a difficulty which he felt, and to bring into arithmetical harmony the number of the hundred senators with that of the three tribes. In later times the senate consisted of three hundred members, and this number answers to the number of the three tribes and thirty curies, so that a proportion is manifested in the respective numbers which in a certain measure makes the senate represent the tribes.[4] The number of a hundred senators, therefore, in the time of Romulus, is very surprising. The attempt which Dionysius made to solve this difficulty is of course a failure. There can be no doubt, that the oldest narrative which ascribed to Romulus the formation of the constitution, attributed to him also the nomination of a senate of three hundred members, just as it ascribed to him the division of the people into three tribes. But the origin of these three tribes (the Ramnes, Tities, and Luceres) is as obscure as everything else. Concerning two of them there is indeed tolerable harmony of opinion among all writers, as from an apparently self-evident etymology the Romans were universally supposed to be the Ramnes of Romulus, and the Tities the Sabines of Tatius. But there is no clue to explain the tribe of the Luceres; and hence we have an abundance of conjecture. Some thought of the Etruscan Lucumo, whom

[1] Niebuhr, *Röm. Gesch.*, i. 418. English translation, i. 400. Becker, *Röm. Alterthümer*, ii. p. 1. 341 ff. Schwegler, *Röm. Gesch.*, i. 660.

[2] Cicero, *De Rep.*, ii. 8, 14. Livy, i. 8. [3] Dionysius, ii. 12.

[4] Mommsen, *Forschungen*, p. 276 ff.

Romulus is said to have brought to his help, and they made out to their own satisfaction that the Luceres were the Etruscan companions of this Lucumo, or Lucius. Others bethought themselves of the grove (*lucus*) of the asylum of Romulus, and made out the Luceres to be those strangers, fugitives, and robbers who were attracted to Rome by the protection of sanctuary. It would be useless to try to find out the truth. All trustworthy materials are wanting, and we should therefore gain nothing if to the old conjectures we should add a new one which would only add to our perplexity without adding to our knowledge.[1]

The long reign of Romulus was by no means satisfactorily filled up by the martial deeds and political actions ascribed to him. It might be expected that the warlike son of Mars, who, in the midst of hostile nations, had trained a band of adventurers into an army and a community of warriors, could only have held his ground by constant wars, and must therefore have fought many battles and gained many victories. Nothing would have been easier for the fertile brain of a Greek than to invent a long succession of chequered campaigns and fierce battles, with events of exciting interest, like the tales of Theseus or Minos. The sterile imagination of the Roman annalists contented itself with borrowing a few traits of later chronicles, and ascribing to Romulus two wars, one with Fidenæ and one with Veii. The town of Fidenæ has been of good service to the annalists. Whenever there was little to relate of any particular year, there was always a war with Fidenæ ready to fill up the gap. Accordingly in the annals this town is conquered no less than eight times.[2] The war of Romulus with Fidenæ is manifestly the same which is referred to the year 426 B.C.[3] What we are to think of the war with

[1] Niebuhr (*Röm. Gesch.*, i. 312; English translation, i. 296) and Schwegler (*Rom. Gesch.*, i. 505) take great pains to make it probable that the Luceres were the Albans, transplanted to Rome.

[2] Schwegler, *Röm. Gesch.*, iii. 202, Anm. 3.

[3] Ibid. i. 529.

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Veii is apparent by the statement that Romulus slew 7,000 enemies with his own hand.[1] Such was the material used to fill up the gaps in the narrative. It is not to be wondered at that thoughtful men like Cicero were struck by the emptiness and vagueness of the so-called history of the kings, though they were far from discovering the real cause.[2]

Growth of historical myths.

The ancient history of no people is written in the order of time, nor do the earliest accounts relate to the oldest periods. Curiosity and attention are turned first to events not far distant. The wish is then excited to know something of what happened before. Thus going back, history arrives by degrees at the foundation of a town, and the origin or immigration of a people. But even with this, speculation is not satisfied. It endeavours to penetrate into the darkness of the past, and supplies by fiction a primeval history, which, as it recedes further and still further, naturally becomes more and more cloudy and more and more mythical.

Stories of Janus and Saturnus.

Rome also had such a primeval history, which in uncritical times was held to be as authentic as that of the kings. It told how, in the beginning, King Janus ruled over the shepherds of the district on the Janiculus, how Saturnus came to him from beyond the sea, taught his people agriculture, reigned on the Saturnian hill which was afterwards called the Capitoline, and that it was a time of peace, happiness, and justice. Picus, Faunus, and Latinus came then in order of succession, and, during the reign of the latter, Æneas came to Latium and founded the Trojan colony in Lavinium.[3] The Greeks had also something to say, and they brought their hero Herakles on his wanderings from the land of Hesperia with the

[1] From this war with Veii, Romulus is said to have brought to Rome the royal insignia of the Etruscans, the adoption of which is also ascribed to Tullus Hostilius and to Tarquinius Priscus.

[2] Cicero, *De Rep.*, ii. 18: 'Sed temporum illorum tantum fere regum illustrata sunt nomina.'

[3] Schwegler, *Röm. Gesch.*, i. 212. Sir G. C. Lewis, *Credibility of Roman History*, i. 298.

cattle of Geryon to the banks of the Tiber. At that time there ruled on the Palatine, Evander, from Arcadia, the 'good man,' and in a cave hard by lived Cacus,[1] the 'bad man' who stole the best oxen of Hercules, and dragged them into his cave by their tails, but was killed by the god. If these fables were received with less implicit faith than the stories of Romulus, the reason is, not that the latter are better authenticated, but because in them fiction is kept more within the bounds of probability and nature, and the narrative does not deal so much with beings who in later times were recognised only as gods and heroes.

The story of Romulus altogether unhistorical.

The result of the preceding examination is that the so-called history of Romulus is wanting in all historical foundation, that not one feature in it can be supported by satisfactory evidence, with the single exception of the Sabine conquest, and that the details even of this historical fact have been lost or obscured by arbitrary fiction.

[1] On Evander and Cacus see Schwegler, *Röm. Gesch.*, i. 352; Sir G. C. Lewis, *Credibility of Roman History*, i. 283. Cox, *Mythology of the Aryan Nations*, ii. 341. The explanation of Cacus as 'bad man,' κακός, which we find in Servius (ad Virgil. *Æn.*, viii. 190) and St. Augustin (*de Civit. Dei*, xix. 12) is of course erroneous and disproved by the different quantity in the first syllable of Cācus and κᾰκός (see Schwegler *loc. cit.*). Cacus was a native Italian deity, the son of Vulcan (Virgil. *Æn.*, viii. 198), brother of Caca, who was worshipped like Vesta (per virgines pervigili igni, Serv. ad *Æn.* viii. 190).

CHAPTER III.

THE LEGEND OF NUMA POMPILIUS.

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The interregnum.

WHEN Romulus had left the earth and had become a god, the fathers met together and nominated intermediate kings from the senate, to reign in turn for five days, in the place of the king, till a new king was chosen. And this intermediate government or interregnum lasted a whole year; for the Romans were at variance with the Sabines and quarrelled about the choice of the new king. At last they agreed that a Sabine should be taken, but that the Romans should choose him.

The election of Numa.

There lived at that time in the land of the Sabines a righteous man called Numa Pompilius, who was honoured and beloved by every one on account of his wisdom and integrity. This man the Romans chose to be king over Rome. And when Numa had ascertained the consent of the gods by the flight of the holy birds, he called together an assembly of the thirty Curiæ, and asked them whether they would willingly obey all his commands. Then the people consented, and Numa reigned in Rome forty-three years, until his death.

The wisdom of Numa.

Now the Romans were a rude people, whose thoughts were intent on war and plunder, and might was more to them than right. Therefore Numa was grieved, and he undertook to accustom the people to milder habits, to a peaceful life, to strict discipline and justice and fear of the gods. But he was wise from his youth upwards, and as a proof of this his hair was grey from his birth,[1] and he was

[1] Like that of Tages, the founder of the religious system of the Etruscans.—See Müller, *Etrusker*, ii. 25.

trained in all the wisdom of the Greeks; for Pythagoras, the wisest of the Greeks,[1] had instructed him. His wife was Egeria, a divine Camena; he met her every night in a cave, and she taught him the true worship of the gods and the duties of a pious life. He deceived Faunus and Picus, the prophesying spirits of the wood, by wine which he poured into the spring from which they drank; and he intoxicated them and bound them with fetters, till they told him the secret charms by which they compelled Jupiter to reveal his will.

His marvellous powers.

But the people did not believe Numa, and mocked him. Then he prepared a simple meal, and invited guests to his house, and set before them plain food on earthen plates and water in stone bottles. Thereupon suddenly all the dishes were changed into silver and gold, the plain food into the choicest viands, and the water into wine. Then every one knew that a divine power dwelt in Numa, and they were willing to receive his statutes.

His religion and laws.

Now in order to divert the people from their wild and rough life, and to bring them up to piety and righteousness, Numa taught them which gods they should adore, and how they should arrange their worship with prayers, sacrifices, and hymns, and other pious usages. And all bloody sacrifices and all human victims he forbade, and permitted only the fruits of the field, simple cakes, and milk and other like offerings to be presented to the gods. He allowed no images to be made of the gods, for he taught the people to believe that the gods had no bodies, and that as pure spirits they pervaded and ruled in the elementary powers of nature. Moreover he told the people what prayers, solemn words, and sacrifices they should use in all the concerns of their domestic life, and in their intercourse with men; and he ordained that the Romans should not undertake anything important without first calling on the gods and seeking their favour.

The flamens and augurs.

Then Numa instituted priests to Jupiter, Mars, and

[1] As such Pythagoras was considered in the period of the Samnite wars.—See Plutarch, *Numa*, 8.

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Quirinus, whom he called flamines, that is, kindlers of fire, because they were to kindle the fires for the sacrifices. And for the service of Vesta he chose pure virgins, who had to perform the service in the temple and to feed the holy flame on the altar of Vesta, the common hearth of the city. And in order to discover the will of the gods he instituted the office of augurs, and instructed them in the science of the flight of birds. And he appointed many more priests and servants of the altars, and prescribed to each what he should do. And that they might all know what was right in the service of the gods, and not from ignorance employ the wrong prayers, or at the sacrifices and other services leave out or neglect something whereby they might incur the anger of the gods and suffer great punishment, Numa wrote all his statutes in a book. This he handed over to Numa Marcius, and made him chief pontifex, that is, overseer and watcher over the service of the gods, and recommended him to pursue the study of divine things, and to guard the purity of the religion which he had founded.

The god Terminus.

Numa took care also of the peaceful arts, that the people might live by the produce of their labour, and not think of robbing from others. For this purpose he divided the land which Romulus had conquered among the citizens, and bade them cultivate it; and he consecrated the stones which marked the boundaries of the fields, and erected an altar on the Capitoline hill to Terminus, the god of boundaries.

The care of Numa for the men of low estate.

In the same manner he took care of all artizans in the town who possessed no land. He divided them into guilds, and set masters over them according to each kind of trade, and set apart for them markets, sacrifices, and festivals; and in order that truth and good faith might be practised in common intercourse, and that promises might be kept as sacred as oaths, he founded the service of the goddess Fides, or Faith, and built a temple to her on the Capitol.

The gate of Janus.

While Numa was thus occupied with works of peace, the weapons of war lay idle, and the neighbouring people

were afraid of disturbing the rest of this righteous king. So the gate of Janus remained closed, for it was the custom among the Romans to open it only in time of war.

The blessedness of Numa.

Thus the reign of Numa was a time of peace and of happiness, and the gods testified their pleasure in the pious king and his people; for they guarded the country from all plagues and sicknesses, and they sent health and good harvests, and blessing and prosperity upon all that the people undertook.

Now, when Numa had become old and weak, he died calmly, without illness and without pain, and the Romans mourned for him as for a father, and buried him on the Janiculus beyond the Tiber, on that side which lies towards the west.

Critical Examination of the Legend of Numa Pompilius.

Numa the complement of Romulus.

Numa Pompilius is evidently the complement of Romulus. As Romulus was the founder of the state and of political and military order, so the legend regards Numa as the founder of the national religion.[1] His uneventful reign of thirty-nine or forty-three years was entirely devoted to the organisation of public worship. All the neighbours lived in peace with the righteous king. It was a golden age, in which the gate of Janus remained closed, and the sword rested in its sheath. Only the arts of peace were practised. Agriculture and trade prospered. Right and justice ruled. The gods themselves held intercourse with the pious priest-king and revealed to him their divine wisdom.

[1] The name of Numa is significant, and denotes an organiser or lawgiver. The root of the word is the same as in *numerus*, *nummus*, *νόμος* (see Schwegler, *Röm. Gesch.*, i. 552, Anm. 1). The word Pompilius has been derived from *pompa*, a religious procession. Perhaps the apparently so simple and yet so mysterious word pontifex is to be derived from the same root, which occurs also in the Umbrian language. The transition from *pompa* into *ponta* would be analogous to that of *πέμπε* into *πέντε*. Pontifex would accordingly mean an arranger of processions; and by no means a bridgemaker. There were pontifices at Prænestе and other places, where no bridges had to be built (Servius, ad Virg. *Æn.*, vii. 678). It is clear how suitable the name Numa Pompilius was for the founder of pontifical law. The first pontifex appointed by Numa was likewise called Numa.

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In this description fiction is so evident that serious discussion is almost out of place. The supernatural and the miraculous do not challenge more scepticism than the all-prevailing peace in an age of incessant wars. That which appears most of all historical, the intercourse of Numa with Pythagoras, was invented when it was not known that Pythagoras is said to have lived nearly two hundred years after the assumed age of Numa.

Numa and Pythagoras.

The idea that the religion of the Romans was created by one individual lawgiver who could be named, is even less tenable than that the political institutions and the civil order were produced in the brain of the founder of the state. The religion of a people is not adventitious or a chance attribute. It is one of the essential elements which determine national individuality and national existence. It is impossible to imagine a people without religious conceptions and practices. It can be shown that the Roman religion is older in its principal features than the Roman state, and older even than the Roman people, as we find it in Rome and in Latium. It is essentially Italian, common to all the branches of the Sabine stock,[1] as are also the elements of the Roman language. It cannot, therefore, have originated in Rome. The Romans brought it with them into the valley of the Tiber, and there was no period of time when the Roman state existed without the religious forms which were ascribed to Numa. Accordingly the legend of Romulus mentions not only some of the principal deities, as Jupiter, Janus, Faunus, and Vesta, but also the auguries,[2] the most important part of the Roman state religion. Other parts of the Roman ceremonial law were ascribed to other kings, as for instance that which regulated the intercourse with neighbouring people, and especially prescribed the form of the declaration of war. As this did not seem to suit the

The Roman religion.

[1] Ambrosch, *Studien*, i. 73, Anm. 158–60, and p. 193, Anm. 170. Schwegler, *Röm. Gesch.*, i. 554.

[2] Romulus himself is called the best augur, and the augural staff (*lituus*) which he had used, was preserved as a relic.

peace-loving Numa, the Roman legend-makers did not hesitate to ascribe it to King Tullus[1] or Ancus,[2] of whom there were at least wars to relate.

The law-books of Numa.

As the personality of Numa resolves itself into that of an ideal priest-king, the founder of the sacred rites and laws, whom the pontifices, the keepers and guardians of these laws, regarded as their legislator, it follows that the law books, which in later times contained the precepts and were attributed to Numa, cannot have been genuine. Writings of this kind belong, it is true, to the oldest products of civilisation; nevertheless, it is certain that what passed in Rome as writings of Numa Pompilius, did not originate even in the regal period. It is tolerably certain that at that time the art of writing was not yet practised in Rome, but was brought from Southern Italy shortly before the downfall of the monarchy. In the uncritical ages of the republic, nobody hesitated to ascribe to the kings any documents which seemed to be very ancient. Even an audacious forgery belonging to the year 181 B.C. seems to have been looked upon as a genuine document. In that year a stone coffin, containing Greek and Latin writings of Numa on religious and philosophical subjects, was discovered in a field at the foot of the Janiculus. But their contents appeared to the Prætor Q. Petillius to be so much at variance with the prevailing religious views, and with the whole system of the state religion, that, with the consent of the senate, he ordered the books to be publicly burned.[3] They were evidently considered as real, in spite of their being written on paper, which was not used for writing for many centuries after the alleged time of Numa, and although the paper looked quite new and fresh. Nobody seems to have been surprised that in Numa's time—long before Greek prose was written in Greece—Romans should have written Greek fluently. Nor did it apparently seem surprising that Numa's Latin was so smooth and easy to be read, although the priests

[1] Livy, i. 24. [2] Ancus is a second Numa. See below chap. iv.
[3] Livy, xl. 29. For the detail see Schwegler, *Röm. Gesch.*, i. 564.

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themselves were not able to understand the hymns ascribed to the same Numa. The pretended discovery was evidently a scheme for the purpose of religious innovation, but the whole of the Roman people took for granted, with child-like simplicity, the authenticity of the writings of Numa. This occurrence in the year 181 B.C., 500 years after Numa, shows what care is needed in the examination of the statements of the Roman chroniclers concerning their older history, before we can receive them as well-founded and credible.

CHAPTER IV.

THE LEGEND OF TULLUS HOSTILIUS.

CHAP. IV.

After Numa's death the Romans chose for their king Tullus Hostilius, the grandson of Hostus Hostilius, who had fought in the battle with the Sabine, Mettius Curtius. Now the time of peace and quietness was at an end, for Tullus was not like Numa, but like Romulus, and he loved war and glory beyond everything. Therefore he looked for causes of dispute among the neighbours, for he thought that in a long peace the Romans would grow effeminate, and lose their ancient courage.

The character of Tullus.

Now when some Roman and Alban country people quarrelled with one another, and each one accused the other of robbery, and each complained that he suffered wrong, Tullus sent fetiales, or heralds, to Alba, to demand compensation for the plunder. The Albans did the same, and sent messengers to Rome to complain and to insist on justice.

The quarrel with Alba.

Then Tullus employed a fraud; for he received the Alban messengers with great kindness and treated them with such hospitality that they delayed the execution of their disagreeable commission. But the Roman fetiales who were sent to Alba, demanded without delay satisfaction from the Albans, and when this was refused they declared war in the name of the Roman people. When Tullus heard of this, he asked the Alban ambassadors what their commission was, and, having heard it, he sent them home without satisfaction, because the Albans had first refused it, and had thus provoked an unjust war. Now the Romans and Albans met together in the field. The

The subtlety of Tullus.

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Albans, led by their king Cluilius, encamped with their army on the frontier of the Roman territory, and made a deep trench round their camp. And the trench was called, for ever after, the trench of Cluilius. But in the following night the king of Alba died. Then they chose in his place a dictator, whose name was Mettius Fufetius.

The story of the Horatii and Curiatii.

Now when Tullus advanced, and the two armies stood arrayed against one another, and the bloody fight between the kindred nations was about to begin, the leaders came forward and consulted together, and determined to decide the war by a single combat of Albans and Romans, that so much blood might not be spilt. There were by chance in the Roman army three brothers born at one birth, and likewise in the Alban army three brothers born at one birth. These were the sons of twin sisters, and equal in age and strength. Therefore they were chosen as the combatants, and the Romans and Albans bound themselves by a sacred oath that the nation whose champions should be victorious should rule over the other. Then began the decisive battle between the three Horatii, who fought on the side of the Romans, and the three Curiatii, who fought for the Albans. Quite at the beginning two of the Horatii fell and the three Curiatii were all wounded. Then the surviving Horatius took to flight, and the Curiatii pursued him. But he turned suddenly round and killed the one of the three who was the most slightly wounded and had hurried on before the others. Then he ran towards the second and conquered him also, and at last he killed the third, who, on account of his wounds, was able to pursue him but very slowly. Then the Romans rejoiced and welcomed Horatius as conqueror, and they collected the spoils of the slain Curiatii and carried them before Horatius, and led him in triumph to Rome.

The crime of Horatius.

When the procession came near the gate of the city, the sister of Horatius went forth to meet it. She was betrothed to one of the Curiatii who had been killed. And when she saw the bloody coat of her lover, which she herself had embroidered, she sobbed and moaned and cursed her brother.

At this Horatius fell into a violent rage, and drew his sword and stabbed his sister, because she had wept over a fallen enemy. But the blood of the slain sister called for vengeance, and Horatius was accused before the criminal judge, who sentenced him to death. The people, however, rejected the sentence of the judge out of compassion for the old father of Horatius, who would thus lose three of his children in one day, and because they would not that the man should be led to death who had ventured his life for the greatness of his native country, and had gained the victory over Alba with his own hand. But to atone for the death of his sister, Horatius had to do public penance, to pass under a yoke, and to offer up expiatory sacrifices to the manes of his murdered sister. The beam of the yoke under which Horatius went, remained as a token till the latest times, and was called the 'sister beam.' But the memory of the heroism of Horatius was also preserved; and the arms of the Curiatii were hung up on a pillar in the Forum; and the pillar was called the pillar of Horatius[1] for all time.

The treachery of Mettius Fufetius, and the fall of Alba.

Thus Alba became subject to Rome, and the Albans were obliged to help the Romans in their wars. But Mettius Fufetius, the dictator of the Albans, meditated treason, and hoped to overthrow the power of Rome. Therefore, when war had broken out between the Romans and the Etruscans of Fidenæ and Veii, and when the Romans and Albans stood opposite to the enemy, and the battle was raging fiercely, Mettius kept his army back from the fight, and hoped that the Romans would be subdued. But Tullus, perceiving the treason, bade his soldiers be of good courage, and conquered the Etruscans. And when Mettius came to him after the battle to wish him joy on account of the victory, thinking that Tullus had not discovered his treachery, Tullus ordered him to be seized and torn to pieces by horses, as a punishment for wavering in his fidelity between the Romans and their enemies. Then the Albans were disarmed, and Tullus sent horsemen to Alba, who burned the

[1] Regarding the pila Horatia, see Schwegler, i. 572, Anm. 3.

BOOK I.

whole town, with the exception of the temples, and led the inhabitants away to Rome. From that time Alba Longa was desolate, but the Albans became Roman citizens, and their nobles were received among the patricians, and Albans and Romans became one people, as at one time the Romans and the Sabines had become under the dominion of Romulus.

The death of Tullus.

After this Tullus waged many wars with his neighbours, the Etruscans and the Sabines, and he became proud and haughty, and forgot the gods and their service, and regarded not justice and the precepts of Numa. Therefore the gods sent a plague among the people, and at last they smote him also with a grievous disease. Then he became aware that he had sinned, and he tried to investigate the will of Jupiter according to the spells of Numa. But Jupiter was wroth at his sinful attempt, and struck him with lightning, and destroyed his house, so that it left no trace behind. Thus ended Tullus Hostilius, after he had been king for thirty-two years; and Ancus Marcius, the grandson of Numa Pompilius, succeeded him in the kingdom.

Critical Examination of the Legend of Tullus Hostilius.

Materials of the story of Tullus Hostilius.

As Romulus is the hero of the legend which refers to the foundation of the city, and as the introduction of religious order is ascribed to Numa, so the name of Tullus Hostilius serves to introduce the legend of the destruction of Alba Longa in Roman history. There was nothing else to be related of Tullus Hostilius. All the rest which is told of him is a repetition of the story of Romulus in a slightly changed form; and even the Alban war, as we shall presently see, reminds us so much of the legend of Romulus, that it loses its weight as evidence to prove the real existence of King Tullus Hostilius.

The position of Alba in Roman history is an inexplicable mystery. Rome is described as a colony of Alba, but from the moment of the foundation of Rome, Alba completely

disappears. The legend mentions nothing of any assistance of the parent town in the pressing danger that Rome was in, nor does it explain how Romulus was shut out from the throne of Alba after the race of Æneas became extinct with Numitor. Under Romulus and Numa, Alba and Rome were entire strangers to each other, and in the legend of the fall of that town no Silvii are reigning there, but C. Cluilius, or Mettius Fufetius as prætor or dictator.[1]

Theories on the fall of Alba.

In like manner the story of the conquest of Alba by the Romans under Tullus does not agree with the fact that the Romans subsequently were not in possession of the Alban territory. The Latins hold their federal meetings near the ruins of Alba, at the spring of Ferentina, whence Niebuhr[2] draws the conclusion that Alba was not destroyed by Rome, but by its revolted Latin subjects. But in the utter lack of trustworthy testimony, and even probable tradition, it would be lost labour to investigate more minutely the discrepancies and contradictions of these prehistoric legends, with the object of finding in them historical truth.

The story itself a fiction.

The story of the destruction of Alba, which is, as we have seen, at variance with the events supposed to have preceded and followed it, bears moreover in itself the stamp of fiction. It turns upon the combat between the Horatii and the Curiatii, who, by their relationship as sons of twin sisters, represent symbolically the blood connexion between the Romans and the Albans. Thus the twin brothers Romulus and Remus had fought for the possession of power. The Romans and Sabines, who had become related by intermarriage, fought in a similar manner under Romulus and Tatius. At that time the chief combatants of the two nations were Hostus Hostilius and Mettius Curtius;[3] and it is significant that these two men are

[1] Niebuhr, *Röm. Gesch.*, i. 341; English translation, i. 347. See Schwegler, *Röm. Gesch.*, i. 452. See also above, chap. ii. p. 18, n. 1.

[2] Niebuhr's *Lectures on the History of Rome*, i. 55.

[3] Livy, i. 12. 'Principes utrimque pugnam ciebant, ab Sabinis Mettius Curtius, ab Romanis Hostus Hostilius.' See above p. 11.

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mentioned by name, whereas in general so very few names occur in the ancient legends.[1] In the oldest form the war between Sabines and Romans was most likely described as settled by single combat, after the general battle was stopped by the intervention of the women.[2] And it is clear, from the slightly altered names of the chiefs, that the legends of Romulus and of Tullus are in reality simply two versions of the same story. In the Hostus Hostilius of the army of Romulus we easily recognise the King Tullus Hostilius, and the Sabine Mettius Curtius turns up again as Mettius Fufetius.[3] Now, if we reflect that the Albans were of Sabine origin,[4] we cannot fail to recognise in the story of Romulus and Tullus a tradition referring to the union of the Romans with the Sabines. For the Albans are transferred to Rome, and the city is doubled, just as it was under Romulus.[5]

Characteristics of legendary history.

Legendary history plays in the most lively colours, and these sometimes change most unexpectedly. Seen from different points of view, a story frequently turns into the very opposite. An example of this is exhibited in the story of the Sabine war of Tullus Hostilius.[6] At the

[1] See Cicero, *De Rep.*, ii. 18, quoted above, p. 26, n. 2.

[2] The story of a real battle between Romulus and Tatius was connected with a tradition ascribing to Romulus the consecration of a temple to Jupiter Stator. This Jupiter was interpreted as the stayer of flight, and this interpretation was the origin of the legend, the object being to account for the name and foundation of the temple. Legends of this kind are very appropriately called 'ætiological.' (Schwegler, *Röm. Gesch.*, i. 69.) But the explanation of Jupiter Stator as stayer of flight is very doubtful. Cicero takes Stator as establisher or founder of the city. (See above p. 11, n. 1.) Moreover the temple of Jupiter Stator was really built after the year 296 B.C., about 500 years later, as we happen to know from Livy, x. 37. There is therefore no foundation whatever for the story of the battle between the Romans and the Sabines.

[3] The multiplication of persons by changing the first name or the surname, is by no means uncommon in the older history of Rome. Thus Numa Marcius is evidently identical with Numa Pompilius.—See the Author's *Researches*, p. 63 (*Forschungen*, p. 46.) Compare Schwegler, *Röm. Gesch.*, i. 24.

[4] See above, p. 22, and the Author's *Researches*, p. 41 (*Forschungen*, p. 31).

[5] This duplication is felt to be particularly inconvenient by those modern historians who think that the transplanted Albans formed the tribe of the Luceres. According to their views the population of Rome ought to have been increased by one-third, and not doubled.—See Schwegler, *Röm. Gesch.*, i. 59.

[6] Livy, i. 30. Dionysius, iii. 32.

festival of Feronia in the country of the Sabines, frequented by many strangers on account of the games and the traffic, Roman citizens were robbed and taken prisoners by the Sabines. The Sabines would not listen to the ambassadors of Tullus, and the consequence was a war between the two nations.[1] Here we have the corresponding picture to the rape of the Sabine women. Instead of women, men are carried away; instead of Sabines, Romans are the victims; instead of its taking place in Rome, it takes place in the land of the Sabines.[2]

Identity of Tullus and Romulus.

If the stories of the war of Tullus with the Albans and Sabines are only different forms of the same legend which figured in the tale of Romulus as the Sabine war, there remains nothing peculiar to Tullus Hostilius, and he appears only as the shadow of Romulus. Even the ancients recognised the similarity between the two,[3] as they were also struck with that between Numa Pompilius and Ancus Marcius. In the story of Tullus, it is true, all that is wonderful and supernatural is suppressed; but his identity with Romulus is nevertheless manifest. He, like Romulus, grows up among the shepherds.[4] Like Romulus, he wages war with Fidenæ and Veii. Like Romulus, he doubles the number of Roman citizens[5] and joins the Mons Cœlius to the city,[6] he organises the army,[7] he introduces the in-

[1] The war opens precisely like the war with Alba. 'Utrimque injuriæ factæ ac res nequicquam erant repetitæ.'—Livy, i. 30.

[2] The same legend occurs once more in a somewhat different form, Livy, ii. 18: 'Eo anno Romæ, cum per ludos ab Sabinorum iuventute per lasciviam scorta raperentur, concursu hominum rixa ac prope prælium fuit, parvaque ex re ad rebellionem spectare res videbatur.' This time the scene was laid in Rome, but, as Roman pride would not permit that the Sabines had dared to carry off Roman maidens, the story was softened. The Sabines evidently had also their national legend of the rape of the women.

[3] Livy, i. 22. Zonaras, vii. 6.

[4] Valer. Maxim., iii. 4, 1: 'Incunabula Tulli Hostili agreste tugurium capit: eiusdem adolescentia in pecore pascendo fuit occupata.'

[5] Livy, i. 30: 'Duplicatur civium numerus.' Valer. Maxim., iii. 4, 1: 'Imperium Romanum duplicavit.'

[6] Dionysius, ii. 50.

[7] Florus, i. 3, 1: 'Hic omnem militarem disciplinam artemque bellandi condidit.' Orosius, ii. 4: 'Tullus Hostilius militaris rei institutor.'

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signia of royal power,[1] an act which is ascribed to Romulus and also to Tarquinius Priscus.[2] Even in his conquest of Alba, he is anticipated by Romulus, who in some versions of the legend appears to have caused the destruction of that town.[3] According to some accounts, Romulus degenerated into a tyrant; of Tullus this is the common report. Finally the identity of the two warlike kings appears in their death. They were both removed from the earth in the midst of thunder and lightning, and were never seen again.[4]

The legend altogether unhistorical.

Thus, wherever we begin, and whichever portion we examine of the legends of Romulus and Tullus, we arrive always at the same result; viz., that the alleged histories of these two kings are simply different versions of the same old legend, in which the most careful research can discover no trace of genuine historical truth.

[1] The sella curulis, the lictors, the toga picta, and the toga prætexta.—Macrobius, i. 6, 208; Gronov. Plinius, *Hist. Nat.*, ix. 63.

[2] See below, chap. 6.

[3] See especially Cicero, *De Rep.*, ii. 2, 4: 'Romulus oppressisse Longam Albam . . . fertur.'

[4] This highly characteristic legend is repeated more than once, as in the case of Æneas (Aurel. Victor, p. 14, 2), and the Alban king Romulus or Remulus (Livy i. 3; Dionysius i. 71; Appian, i. 2). Even the rationalistic version of the legend, which represents the death of Romulus as caused by foul play, has found a place in the story of Tullus (Dionysius, iii. 35).

CHAPTER V.

THE LEGEND OF ANCUS MARCIUS.

CHAP. V.

ANCUS MARCIUS was a just and peaceful king, and his first care was to restore the service of the gods, according to the precepts of Numa; for Tullus had not honoured them, nor kept their worship pure. For this reason Ancus caused the sacred laws of Numa to be written on wooden tablets, and to be exhibited before the people; and he endeavoured to preserve peace and the peaceful arts, as Numa had done, whose example he wished to follow in all things.

The piety of Ancus.

But it was not vouchsafed to him always to avoid war. For when the Latins heard that Tullus was succeeded by a peace-loving king, who passed his time quietly at home in prayer and sacrifice, they fell upon the country of the Romans, and thought they could plunder it with impunity. Then Ancus left the management of the public worship to the priests, and took up arms, and fought with his enemies, and conquered their towns and destroyed them. And many of the inhabitants he brought to Rome, and gave them dwellings on the Aventine hill. Therefore Ancus enlarged the city, and dug a deep trench in that part where the slope of the hills was not steep enough to protect Rome from her enemies. After this he fortified the hill Janiculus on the right bank of the Tiber, and built a wooden bridge over the river; and he conquered all the land between Rome and the sea, and planted a colony at the mouth of the Tiber, which he called Ostia, and made there a harbour for sea-going ships. And when Ancus had been king for four-and-twenty years, he died

The war between Ancus and the Latins.

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calmly and happily like Numa, and the Romans honoured his memory, for he was just in time of peace, and courageous and victorious in time of war.

Critical examination of the Legend of Ancus Marcius.

Prosaic character of the legend.

The story of Ancus Marcius is entirely destitute of miracles. All events lie within the bounds of possibility, perhaps even of probability. But in proportion as it is credible, it is scanty. The story contains nothing characteristic, there is nothing in it which could call forth surprise or admiration, horror or fear, and might on that account live for centuries in the mouth of the people. Ancus is the dullest and most prosaic of all the Roman kings.

Ancus a second Numa.

He is called the grandson of Numa, and is indeed only a second Numa. As such he betrays himself by his name Marcius, for this is the name of Numa Marcius, the first high pontiff, and friend of king Numa, to whom Numa confided the sacred books; in reality this Numa Marcius is the same person as Numa Pompilius, and appears as an independent person only because the founder of the Roman religion was represented sometimes as a priest and sometimes as a king.[1] The legend clearly identifies Ancus with the royal priest, for it makes him literally a bridge-builder (pontifex) by ascribing to him the building of the first wooden bridge over the Tiber.[2]

It is especially in his priestly functions that Ancus coincides with his supposed grandfather Numa. He discharges the duties of a priest in person,[3] he causes the ceremonial law to be recorded,[4] he introduces the inter-

[1] Hartung, *Religion der Römer*, i. 216. See above, page 30.

[2] Livy, i. 33.

[3] Livy, i. 32, 33. The same is reported of Numa (Livy, i. 20): 'Ipse plurima sacra obibat.'

[4] 'He is said to have caused it to be written on tablets, and to be exhibited in public (Livy, i. 33; Dionysius, iii. 38). This is one of the statements which startle us by their absurdity. The pontifices kept their science secret with the greatest jealousy (Livy, iv. 3; vi. 1; ix. 46). How could any ancient writer invent or repeat a story so utterly at variance with this fact, even if it be

national law of the fetials,[1] he endeavours to maintain peace, he encourages agriculture, and lastly he and Numa were the only two Roman kings who died a natural death. The story of Ancus is stripped of the miraculous element. Even the account of the uninterrupted peace which prevailed during the reign of Numa is not repeated without modifications. Ancus is represented as peaceful, but at the same time as ready and able to fight. There is by this means nothing left to provoke scepticism, while at the same time an opportunity is given to attribute to this king the introduction of the fetials, and the laws of peace and war. Hence a war with the Latins[2] is attributed to Ancus, in which he is said to have conquered four[3] towns, and to have transplanted their inhabitants to Rome. Dionysius, moreover, tells long and tedious stories of wars with Fidenæ, the Sabines, Volscians, and Veientines, with all of which wars Livy is unacquainted. What is further related of Ancus, viz., that he built a prison, founded Ostia, and established saltworks, belongs to a class of statements which, for reasons that are not always intelligible, the annalists apparently referred at random, now to one king, now to another. Thus, for instance, the excavation of a

granted that the art of writing was practised at that time in Rome, and that Numa Pompilius had left written law books. We shall frequently have occasion to notice the carelessness or ignorance of Greek and Latin writers, in making statements which a knowledge of or attention to law, religion, or custom would have shown them to be utterly unfounded. It is, therefore, not in all cases safe to defend the ancient writers by saying that they must have known, better than we know, the condition of the society about which they wrote. Their carelessness and want of critical accuracy too frequently counterbalanced their superior opportunities of knowing the truth.

[1] According to Dionysius (ii. 72), and Plutarch (*Numa*, p. 12), it was Numa who introduced the fetiales. Cicero (*De Rep.*, ii. 17) ascribes their institution to Tullus Hostilius. Livy (i. 32), in naming Ancus Marcius as the author of the fetial law, contradicts his own narrative (i. 24), where he had referred to it as existing under Tullus.

[2] Livy (i. 32) mentions as the cause of this war the rupture of the alliance with Tullus Hostilius, of which, however, he has reported nothing.

[3] These towns—viz., Politorium, Tellenæ, Ficana, and Medullia—if they ever existed as separate communities, must have been very insignificant. Not a trace of any of these places was left in historical times, nor is even the locality of any of them known (see Schwegler, *Röm. Gesch.*, i. 599). Medullia is reported as conquered a second time by Tarquinius Priscus (Livy, i. 38).

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trench (the so-called Fossa Quiritium) is ascribed not to Ancus alone, but to Numa,[1] to Servius Tullius,[2] and Tarquinius Superbus,[3] with this difference, that it is called at one time a sewer[3] constructed in Rome, at another a ditch for the fortification of the Quirinal,[4] at another a ditch surrounding Ostia.[5] Thus the credit of having added the hill Cœlius to the town is claimed for Romulus, for Tullus Hostilius, for Ancus Marcius, and for the elder Tarquin.[6] The Etruscan captain, Cœles Vibenna, from whom the name of the hill is generally derived, has no settled place in the chronicles of the regal period, and by Festus is even split into two persons, called respectively Cœles and Vibenna.[7] According to Dionysius, Varro, and Paulus Diaconus, he came to Rome under Romulus; according to Tacitus, under Tarquinius Priscus.[8]

Ancus and the Roman plebs.

What we have said is sufficient to show the worth of the alleged history of Ancus Marcius. We might now take leave of this king, if the high authority of Niebuhr did not compel us to examine an hypothesis concerning the origin of the Roman plebs, which he has ventured to base on the story of King Ancus, and which has been adopted by most modern historians.[9]

Patricians and plebeians.

The ancients, and all modern writers before Niebuhr, were of opinion that from its very beginning the Roman people consisted of patricians and plebeians. According to this view the plebeians were clients, that is, dependants or tenants of the patricians, bound to perform special services, in return for which they enjoyed the protection of the patricians, especially in cases of legal prosecutions.

Supposed distinction between plebeians and clients.

This view, though simple and intelligible, is rejected by Niebuhr as untenable, and altogether wrong. He puts in its place a theory for which no evidence can be found in the ancient writers, and which has not even the merit

[1] Dionysius, ii, 62. [2] Livy, i. 44. [3] Aurel. Victor, de vir. ill. 8.
[4] Livy, i. 33. [5] Festus, s. v. Quiritium fossæ, p. 254 ed. Müller.
[6] Cicero, *De Rep.*, ii. 8. Dionysius, ii. 50. Livy, i. 30.
[7] Festus, s. v. Tuscum vicum, p. 355 ed. Müller.
[8] See the passages in Schwegler, *Röm. Gesch.*, i. 507, n. 5, 6.
[9] Becker, *Röm. Alterthümer*, ii. 1, 135. Schwegler, *Röm. Gesch.* i. 628.

of clearness, simplicity, and probability.[1] According to this theory, there was at first no plebs in Rome at all, and the people consisted only of patricians and clients. It was Ancus Marcius, according to Niebuhr, who added the plebs to the original inhabitants, by transplanting the conquered Latins to Rome, under new conditions and on a new legal footing, neither placing them as patricians and clients in the existing three tribes of Ramnes, Tities, and Luceres, nor making a new tribe of them, as Tullus had done with the Albans, but forming them into a distinct class of citizens, with peculiar rights and duties. From this time forward there were three classes of citizens in Rome,—the patricians, their clients, and the plebeians, whose political contests make up the principal part of the internal history of Rome. To establish this theory Niebuhr brings the following arguments.

Arguments urged for this distinction.

In historical times the Aventine Hill was the principal quarter of the Roman plebs. This hill was peopled by Ancus Marcius with the conquered Latins. Ancus was unable to form them into a new tribe; for, by the establishment of the third tribe, that of the Luceres under Tullus Hostilius, the framework of political organisation was complete, and could be disturbed no more. Ancus was consequently compelled to create a new legal status for the citizens whom he had incorporated, and this he did by placing them as plebeians by the side of the patricians and their clients.

This reasoning is exposed to several serious objections:[2]—

Objections to these arguments.

1. The plebeians did not dwell on the Aventine alone, but in every part of the city, and especially in the country.[3]

2. The Aventine and the valley which lay between it and the Palatine[4] were far too small to receive the many

[1] Niebuhr, *Röm. Gesch.*, i. 422; English translation, i. 398.

[2] See the author's *Researches*, p. 12 (*Forschungen*, p. 10).

[3] Schwegler, *Röm. Gesch.*, i. 630.

[4] Livy, i. 33: 'Tum quoque multis millibus Latinorum in civitatem acceptis, quibus ut iungeretur Palatio Aventinum, ad Murciæ datæ sedes.' This valley of Murcia was, however, at that time still covered by a swamp, and, according to the received tradition, was not drained till the time of the Tarquinii by the Cloaca Maxima (Livy, i. 35; Ovid, *Fast.*, ii. 391). Then the greatest

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thousand Latins whom Ancus is said to have settled there.

3. It was not before the Icilian law, fifty-one years after the expulsion of the kings, that the Aventine appears to have become the principal plebeian quarter. Up to that time it had been mostly arable land and pasture.

4. The story of the transplanting of conquered populations to Rome deserves no credit. It is not at all probable that the cultivators of the surrounding districts were taken away from their fields and their farms, and made to live in the city, where they could only be a useless rabble. Nor can we imagine that a hostile population, just conquered in war, were transplanted in great numbers to Rome to be settled on such a hill as the Aventine, which formed a respectable stronghold, where they might have become troublesome or dangerous. In historical times the Romans were accustomed to adopt a policy the very reverse of that ascribed to Ancus. Instead of carrying their conquered enemies to Rome, they sent Roman colonists into the conquered towns. The unauthenticated accounts of the regal period which speak of the reception of Sabines, Albans, and Latins in Rome, are either invented to explain the alleged rapid growth of the city, or they proceed from a misunderstanding. The expression that the conquered Latins were received into the city, implying that they were made Roman citizens,[1] may have been erroneously interpreted as meaning that they were bodily transferred to Rome.

5. There is no ground for supposing that the conquered Latins were received under conditions different from those under which the alleged transfer of Albans took place under Tullus,[2] even if we allow, for argument's sake, that

portion of it was used as a race-course. Becker (*Röm. Alterth.*, ii. 310, n. 1) and Niebuhr saw that this locality was not sufficiently large to accommodate the thousands of conquered Latins, alleged to have been transferred to Rome. They took refuge therefore in the hypothesis, that *only a part* of the Latins were located here. It is needless to say that such an hypothetical limitation materially weakens the cogency of the argument and the strength of the evidence.

[1] 'In civitatem recepti.'—Livy, i. 33.

[2] This is also the opinion of Göttling (*Römische Staatsverfassung*, § 87), and

they were brought to Rome at all by Ancus. If it be true, as Niebuhr supposes, that Tullus formed the tribe of the Luceres out of the Albans, it is difficult to see why Ancus could not have formed a fourth tribe out of the Latins, or what prevented him from distributing them equally among the three existing tribes.

6. There was no difference in historical times, in point of constitutional rights, between Clients and Plebeians. It is a groundless assumption that any such difference existed in the time of the early kings, of which we possess no authenticated records.

7. All accounts concerning King Ancus are unhistorical. If Ancus was only the reflected image of Numa, and Numa himself only the personification of an imaginary religious lawgiver, the story of the settlement of Latins in Rome falls to the ground, and it would be unsafe to base upon such doubtful facts any hypothesis about the origin and the rights of the different classes of citizens in ancient Rome. The stories of Tullus Hostilius and Ancus Marcius are like shadowy forms, which vanish into nothing as we approach them. Perhaps even the names and the order of succession of the seven kings, and the character of the story, as it is found in Livy and Dionysius, are the result of mere chance. By some other chance Romulus might have been succeeded by Servius, and instead of Tullus the third king might have been called Cœlius.[1] We must altogether cast aside the notion that the neatly adjusted series of events in the regal period is even so much as an outline of real events. The whole history of the kings is worthless in its detail. All that we can hope to do is to form from the various materials a rough picture of the

General untrustworthiness of the regal history.

Becker (*Röm. Alterth.*, ii. 1, 135), though they fail to draw the necessary conclusion.

[1] By Appian (i. 2) he is called Ancus Hostilius, instead of Tullus Hostilius. If Etruscan annals had been preserved, we might possibly have found in them the following list of Roman kings: 1. Romulus, 2. Tages, 3. Cœlius, 4. Marcius, 5. Tarchon, 6. Mastarna, 7. Tarquinius. The wife of Tarquinius Priscus is called Tanaquil after such Etruscan annals; her Latin name is Gaia Cæcilia. —See Niebuhr, *Röm. Gesch.* i. 395, 401; English translation, i. 372, 377.

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Roman people, its constitution and religion, at the beginning of the republic. But how the different parts arose one after another, how they were modified and enlarged, is not to be learnt from the traditional story of the kings. The ancients themselves knew nothing of it, and endeavoured to supply by guesses the want of evidence.

Results of historical criticism.

Whether with such a view as this we gain or lose is a question with which we are not concerned; for the search after truth is independent of all calculations of the possible gain. Yet it is a real gain to get rid of deception, and to draw the line between that which precedes and that which follows the beginning of genuine history.

CHAPTER VI.

THE LEGEND OF LUCIUS TARQUINIUS PRISCUS.

CHAP. VI.

How Lucumo came to Rome.

At the time when Ancus Marcius was king, there lived in the town of Tarquinii, in the land of the Etruscans, a rich and intelligent man called Lucumo, the son of Demaratus, a noble of the race of the Bacchiads of Corinth, who had been driven by the tyrant Kypselos out of his native town, and had fled to Etruria. Now, because Lucumo was the son of a stranger, the people of Tarquinii despised him, and refused him every place of honour and dignity. His wife Tanaquil therefore advised him to leave the town of Tarquinii and to emigrate to Rome, where strangers were kindly received. Thus Lucumo went to Rome. And when he had come to the hill of Janiculus, near the town, an eagle shot down from the air, and took his hat from his head and flew away with it; and after he had wheeled about for a time over the carriage in which Lucumo and his wife Tanaquil sat, he flew down again and replaced the hat on the head of Lucumo. Then Tanaquil, who was familiar with heavenly signs, knew that her husband was destined to attain high honours in Rome.

How Lucumo, who called himself Lucius Tarquinius, became great in Rome.

Now in Rome Lucumo altered his name, and called himself Lucius Tarquinius, after his native town, and he was soon highly regarded, for he was wise in council, courageous in war, as well as kind and generous towards his inferiors. For this reason King Ancus took him for his counsellor, confided to him the most weighty matters, and before he died appointed him the guardian of his sons. Then Tarquinius so contrived that the people chose him, and not one of the sons of Ancus, for their king; and thus

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the divine omen which Tanaquil, his wife, had explained to him, was fulfilled.

Of Lucius Tarquinius, the king.

Now when Tarquinius had become king, he carried on war with the Latins and conquered many of their towns. He made war also on the Sabines, who had invaded the Roman country with a large and powerful army, and had penetrated even to the walls of the city. And when Tarquinius was at war with them and was in great danger, he vowed a temple to Jupiter, and so he overcame his enemies. Then he waged war against the Etruscans, and subdued the whole land of Etruria, so that the Etruscans recognised him as their king and sent him the royal insignia, the golden crown, the sceptre, the ivory chair, the embroidered tunic, and the purple toga, and the twelve axes in the bundles of rods. Thus these emblems of royal power came to Rome, and remained to the Roman kings as a sign of their dominion over the people.

How Attus Navius withstood the king.

When all enemies were conquered, and Rome had increased in power, in size, and in the number of its citizens, Tarquinius determined to arrange the people anew and to appoint other tribes in the place of the tribes of the Ramnes, the Tities, and the Luceres which Romulus had ordained. But the gods sent unfavourable signs, and the augur Attus Navius opposed the king, and forbade an alteration of the old division of the people against the will of the gods. Then Tarquinius thought to mock and to humble the augur, and told him to consult the sacred birds, whether what he had now in his mind could come to pass. And when Attus Navius had consulted the birds and had obtained a favourable answer, Tarquinius gave him a whetstone and a razor, and said, 'This is what I had in my mind; you shall cut through the stone with this knife.' Then Attus cut the stone through with the knife and compelled Tarquinius to give up his intentions. But the knife and the stone were buried in the Forum, and hard by the spot a statue of Attus Navius was set up in remembrance of the miracle he wrought.

How Tar-

As Tarquinius could not alter the names of the old tribes

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nor increase their number, he doubled the number of the noble houses in each tribe, and called those which he now admitted the younger houses of the Ramnes, the Tities, and the Luceres. And the centuries of the knights he doubled also, and the senate, so that the division of the people which Romulus had made remained unaltered with the old names, only in each division was the number of the houses doubled.

Tarquinius dealt with the tribes and the senate.

And to fulfil the vow that he had made in the war with the Sabines, Tarquinius began to build a temple to Jupiter on the Capitoline hill. And he levelled a place on the hill to lay the foundation of the temple. And as they were digging into the mountain, they found a human head. This was interpreted as a sign that that place should be the head of all the earth. And the old sanctuaries which stood in the place where the temple of Jupiter was to be built were transferred to other places, according to the sacred rites which the pontifices prescribed. But the altars of the god of youth and of the god of boundaries could not be transferred, so they had to be left in their places, and were inclosed in the temple of Jupiter. This was a sign that the boundary-line of the Roman commonwealth would never recede, and that its youth would be everlasting.

Of the Capitoline Jupiter.

Moreover Tarquinius built large sewers underground, and drained the lower valleys of the city which lay between the hills, and which, till then, were marshy and uninhabitable. And in the valley between the Capitoline and the Palatine hills, he laid out the Forum for a market-place, and surrounded it with covered walks and booths. He drained also the valley of Murcia, between the Aventine and the Palatine, and there he levelled a race-course, and introduced games like those of the Etruscans. These were celebrated every year, and were called the Roman games. Thus Tarquinius gained great renown in peace and in war, and he reigned for thirty-seven years, until he reached a great age.

Of the great works of King Tarquinius.

BOOK I.

Critical examination of the Legend of Tarquinius Priscus.

Attributes of Tarquinius Priscus.

The story of Tarquinius Priscus has at the first glance the appearance of a plausible historical tradition. Yet upon closer examination this picture also vanishes before our eyes, and resolves itself into the elements of legend and fiction. There are two distinct political measures which, apart from his wars, are ascribed to Tarquinius Priscus; namely, the alterations he made in the constitution, and the works and buildings with which he improved the town. With reference to the former, Tarquinius appears like another Romulus or Tullus Hostilius, and with reference to the latter he is identical with Tarquinius Superbus.

His political changes.

The substance of the internal reform is nothing more than a doubling of the number of citizens, and is, therefore, a measure similar to those which are ascribed to Romulus after the Sabine war, and to Tullus after the conquest of Alba. Nor is it possible to discover in the acts of the three kings any essential difference. Different writers represent the innovation in different ways, namely:—

1. As a doubling of the three old tribes of the Ramnes, the Tities, and the Luceres.[1]

2. As a doubling of the corresponding three centuries of knights.[2]

3. As an increase of the senate.[3]

These different representations do not contradict each other. For as the tribes, the centuries of knights, and the senate were all organised on the basis of the threefold division of the people, in such manner that the numbers of each were three, or multiples of three, it is clear that an alteration in any one of these parts implied a corresponding alteration in the other parts. It was therefore sufficient for a writer to refer to the change in one or the other body in order to characterise the whole

[1] Dionysius, iii. 71. Festus, s. v. Navia, p. 169, ed. Müll. [2] Livy, i. 36.
[3] Livy, i. 36. Dionysius, iii. 67. Plutarch, *Numa*, 2; Eutrop. i. 6.

reform. Now, as the writers of the republican period had but a dim recollection of the old tribes of Ramnes, Tities, and Luceres,[1] but were familiar with the centuries of knights, they naturally, for the most part, represent the reform of Tarquinius Priscus exclusively with reference to the change which he made in these centuries.[2]

Artificial numbers.

We find that even the ancients endeavoured to harmonise the increase of the knights effected by Tarquinius with the traditions concerning the number of knights under Romulus and Tullus Hostilius. Modern writers have followed in the same track, which in the end could only lead to the discovery that 'the traditional numbers reported with reference to the gradual increase of the knights are not derived from positive testimony, but are only worked out to show the gradual development of the organisation as it existed at a later period, and that all the statements with reference to it are the result of conjectural calculation.'[3]

Constitutional reforms of Tarquinius Priscus.

It is not difficult to prove that this is perfectly true. In the constitution of Servius[4] there were eighteen centuries or companies of knights, namely, six old centuries—the so-called six 'suffrages,' which are generally supposed to be the original patrician centuries of knights—and twelve new centuries. Romulus had at first made only three such centuries.[5] It was, therefore, requisite to show how the later number had gradually arisen out of the former. The process was supposed to be the following. The 300 knights of the three centuries of Romulus were doubled after the conquest of Alba by Tullus Hostilius, and brought, therefore, to the number of 600. Tullus left the old centuries of Ramnian, Titian, and Luceran knights unchanged in name and organisation. He effected his purpose by simply doubling the number of

[1] See Schwegler, *Röm. Gesch.*, i. 497, n. 2.

[2] Livy, i. 36.

[3] Schwegler, *Röm. Gesch.*, i. 593, 691.

[4] See below, chap. 7.

[5] This number agrees only with the general supposition of the ancients that the three tribes (the Ramnes, Tities, and Luceres) existed under Romulus, but not with the theory of some modern writers (see Schwegler, *Röm. Gesch.*, i. 505) that the Luceres were added to the other two tribes at a later period.

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knights in each century. His proceeding, therefore, was precisely the same as that ascribed to Tarquinius Priscus.

The twelve centuries.

The next step was taken by Tarquinius, who acted like his predecessor, and, without altering either name or organisation, doubled the number of 600, composing the three centuries of Ramnian, Titian, and Luceran knights, which Tullus Hostilius had formed. He had, therefore, now 1,200 knights nominally in three centuries, but really in twelve centuries, and these are the twelve centuries of knights which are found in the constitution of Servius Tullius apart from the 'six suffrages.' This is the report of Festus,[1] and there is perfect order and symmetry in this calculation. But unfortunately it is contradicted by the statement of Livy,[2] which appears to have been more generally accepted, that Servius Tullius, when he reorganised the constitution, did not find twelve but six centuries of knights, viz., the six old 'suffrages,' and that he added to them twelve new centuries of knights. This view cannot be made to agree with the statements which ascribe a doubling of the number of knights, first to Tullus Hostilius, and then to Tarquinius Priscus, for the rules of arithmetic are inexorable, and according to them twice three are six, and twice six are twelve. We are lost here in a labyrinth, out of which we can extricate ourselves only by the discovery that the doubling of the original three centuries, which according to all accounts took place at one time or another, was erroneously ascribed by some writers to Tullus Hostilius, by others to Tarquinius, and that by later compilers these statements were combined. Thus the number of the centuries of the knights being supposed to have been doubled twice,[3] no longer agreed with the commonly received accounts of the Servian constitution.

The doubling of the centuries.

[1] Festus, s. v. Sex suffragia, p. 334, ed. Müller. [2] Livy, i. 36, 43.

[3] A much more plausible solution of the difficulty is the hypothesis that Romulus, Tatius, and Tullus appointed 100 knights each, and that Tarquinius, by doubling these, raised the number to 600 (Schwegler, *Röm. Gesch.*, 592). But this hypothesis is contrary to the universal tradition, which fixed the original number of knights at 300.

CHAP. VI.

The doubling of the senate.

The same difficulties present themselves if we attempt to explain the gradual increase of the number of senators from 100 under Romulus to 300 under Tarquinius.[1] According to the common account, the senate of Romulus consisted at first of 100 members. This number was doubled after the union with the Sabines. At the accession of Tarquinius, accordingly, the senate counted 200 members. The usual number afterwards was 300. It was therefore clear that Tarquinius did not double the number of senators, as by doing so he would have raised their number to 400.[2] Consequently it was alleged that he only added 100 members.[3] Yet we find it also stated[4] that Tarquin doubled the number of senators. To make this statement tally with the normal number of 300, it was necessary to suppose that before the time of Tarquin the senate consisted of 150 members.[5] These, again, were made to consist of 100 Roman senators appointed by Romulus, and fifty Sabines added to the original 100 after the union of the two nations.[6] It is evident that all these calculations and theories are worthless.[7] Wherever we turn, and whatever part

[1] See above, p. 23.

[2] Though this is stated by Zonaras, vii. 8.

[3] This caused new difficulties. A senate of 200 members does not suit the division of the people into three tribes, which is generally ascribed to Romulus, and which must be supposed to have existed at the time of Tarquinius. It has, therefore, been supposed (Schwegler, *Röm. Gesch.*, i. 692) that the third tribe (the Luceres) was inferior in rank, and not represented in the senate before Tarquinius. It would follow that Tarquinius excluded from the senate the new patrician houses which he had created, whilst he admitted the Luceres, who had previously been excluded. This hypothesis does not recommend itself on the score of plausibility.

[4] Cicero, *De Rep.*, ii. 20. Plutarch, *Numa*, 2.

[5] Plutarch, *Numa*, 2. Zonaras, vii. 5. [6] Dionysius, ii. 47.

[7] Becker (*Röm. Alterthümer* ii. 1, 344) despairs of solving the difficulties presented by the conflicting statements regarding the numbers of the senate in successive periods, difficulties which are in fact insoluble and which have baffled the most ingenious and learned critics. If the universal statement of the ancient authors is true, that the senate originally numbered 100 members, and that its normal strength under Tarquinius was 300, it is impossible to account for the increase without having recourse to conjectures. My feeling is that from the very beginning, the number of tribes being three, the *ideal* strength of the senate was 300. This ideal number, however, was never care-

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of the narrative we examine, everywhere we meet with contradictions and impossibilities, which one and all arise from the circumstance that the doubling of the number of citizens was related several times instead of being related once. That this duplication took place at one time seems to be certain. The memory of it was kept alive by the designation of senior and junior houses.[1] But whenever this union really took place, it doubled the patrician houses and the number of fighting men only *once*. It raised the army from one legion to two, and the knights from 300 to 600. It made no alteration in the existing division of the people into three tribes, which seems to have been primeval. All attempts to trace a successive development of the fundamental, political, and military organisation under Tullus Hostilius and Tarquinius Priscus break down and involve us in inextricable confusion. The fact is that these two kings are not historical but legendary, and the actions and measures ascribed to them are repetitions of the actions and measures of the ideal founder of the city.

The public works of the elder Tarquin.

As to the public works of Tarquinius Priscus they are ascribed not only to him, but also to the younger Tarquin. This contradiction was supposed to be removed by the hypothesis that the elder Tarquin began, and the younger finished them—an idea plausible enough, because the grandeur of such works as the public sewers and the Capitoline temple seems to have surpassed the resources of one king. But this hypothesis will hardly command our approval when we bear in mind that, according to the usual statement, these works were interrupted and at a standstill during the whole period of the reign of Servius

fully adhered to, and it was all but impossible to keep it up regularly. At the end of the regal period, and in the second Punic war, it had fallen off to about one-half. If this had taken place also at the time of the union of the Romans and the Sabines, the senate may have been restored to its original strength by doubling the number of senators.

[1] 'Patres maiorum gentium' and 'patres minorum gentium' (Cicero, *De Rep.*, ii. 20; Livy, i. 35), and by the tradition of the union of Romans and Sabines under Romulus.—See above, pp. 12, 21.

Tullius. It is clear that the oldest tradition ascribed those works simply to King Tarquinius. Afterwards, when instead of one Tarquinius, two kings of that name were inserted into the list of Roman sovereigns, and for the sake of distinction were denominated respectively the 'elder Tarquin' and the 'tyrant Tarquin,' the annalists indulged their favourite propensity, by ascribing the same facts to both, although the long reign of Servius Tullius intervened between the two Tarquins. It would have been easy to remove the doubts which this interruption of the works suggests. Servius might have been made to take up and continue the buildings of his predecessor.[1] The fact that this was not done shows that the tradition must have been firmly established which ascribed the great public works to the Tarquins alone, whose character as Etruscans is thereby marked, and kept distinct from the other kings of Rome.

The wars of Tarquinius Priscus.

Our inquiry has led us to the same conclusion, namely, that the accounts of Tarquinius Priscus are unsupported by historical evidence. The strength of this conclusion is not impaired by the statements regarding the wars of Tarquinius Priscus. On the contrary, if anything is perceptible in them, it is the dim reflection of the wars of Romulus. The Sabine war of Tarquinius reminds us more especially of the war of Romulus with Tatius.[2] The Sabines advanced as far as the walls of Rome, just as Tatius had advanced to the very gate of the town on the Palatine hill; and in his distress, Tarquin, like Romulus, vows a temple to Jupiter. In his Etruscan wars Tarquin gains the insignia of the royal dignity precisely as Tullus Hostilius, and even Romulus, had done before. Thus, then,

[1] This was actually done with regard to the building of the city wall. But Livy (i. 36, 38) says no more than that Tarquinius *intended* (*parabat*) to build this wall, whereas tradition ascribes its entire construction to Servius (Livy, i. 44; Schwegler, *Röm. Gesch.* i. 727). The construction of this wall and the trench belonging to it is ascribed, therefore, to Numa, to Ancus, to Tarquinius Priscus, to Servius Tullius, and to Tarquinius Superbus. It was evidently not looked upon as peculiarly Etruscan, like the great sewers and the temple of Jupiter on the Capitol.

[2] Cicero, *De Rep.*, ii. 20. Livy, i. 1, 36. Dionysius, iii. 55.

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the three kings resolve themselves into one in this respect also, and it is confirmed on all sides that the alleged story of Tarquinius Priscus is nothing but a version of the same old legend which furnished the materials for the stories of Romulus and of Tullus Hostilius.

The Corinthian descent of the Tarquinii.

The alleged descent of the Tarquinii from Corinth deserves no more credit than the intercourse of Numa with Pythagoras, and the landing of Æneas in Latium. The chronology of the Tarquinian dynasty (if we can speak of such a thing) is in utter and hopeless confusion. If we take the story as Livy gives it, nobody will think it possible that the father of the second Tarquin, expelled in 495 B.C., can be the son of a Corinthian citizen expelled by Kypselos about 650 B.C., that is 155 years before.[1] Moreover, the genuine Roman tradition represents the Tarquinii always as Etruscans, and never as Greeks. The story of their Corinthian origin is due, no doubt, to Greek imagination, which has adorned the older history of Rome with a variety of unhistorical facts, intended to show the intimate connection between the mighty Roman people and their humble admirers and subjects beyond the Ionian Sea.

[1] See Schwegler, *Röm. Gesch.*, i. 675.

CHAPTER VII.

THE LEGEND OF SERVIUS TULLIUS.

CHAP. VII.

Of the birth and youth of Servius.

In the house of King Tarquinius was a virgin,[1] called Ocrisia, who watched the holy fire sacred to the household god. Once, as she sat by the hearth, the god appeared to her in the flame. And she loved him and bore him a son, who grew up in the house of the king, and they called him Servius, because he was the son of a slave. One day, when the boy had fallen asleep in a chamber in the king's house, a flame played about the head, till he awoke from his sleep. And Tanaquil, the king's wife, saw from this that Servius was destined for great things. On this account, when he was grown up to manhood, Tarquinius gave him his daughter for his wife, and intrusted to him the most important business, so that Servius was in the highest repute among the elders, as well as among the people. When this became known to the sons of King Ancus, who were wroth with Tarquinius because he had deprived them of their paternal heritage, they were afraid that Tarquinius would name Servius as his successor. For this reason they resolved to have their revenge, and they hired two murderers, who came to the king disguised as shepherds, and said they had a dispute, and that the king should judge between them. Now, as they were wrangling with one another, and Tarquinius was attending to what one of them was saying, the other struck him with an axe, and they both took to flight.

How Servius came to be king.

As now the king lay in his blood, and a noise and

[1] Plutarch (*De Fortun. Rom.*, 10) calls the mother of Servius a virgin. The more current legend makes her a widow.

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tumult arose, Tanaquil ordered the gates of the royal house to be shut, to keep out the people. And she spoke to the people out of an upper window, and said the king was not dead, but wounded, and he had ordered that Servius should reign in his stead until he had recovered. Therefore Servius filled the king's place, sitting as judge on the royal throne, and he conducted all affairs as the king himself was wont to do. When it became known, however, after some days, that Tarquinius had died, Servius did not resign the royal power, but continued to rule for a time, without being appointed by the people and without the consent of the senate. But after he had won over a large number of the people by all kinds of promises and by grants of land, he held an assembly and persuaded the people to choose him for their king.

Of the reign of the good King Servius.

Thus Servius Tullius became King of Rome, and he ruled with clemency and justice. He loved peace, like his predecessors Numa and Ancus, and waged no wars, except with the Etruscans. These he compelled to be subject to him, as they had been to King Tarquinius before him. But with the Latins he made a treaty, that the Romans and the Latins should live always in friendship with one another. And, as a sign of this union, the Romans and the Latins built a temple to Diana on the Aventine, where they celebrated their common festivals, and offered up sacrifices every year for Rome and for the whole of Latium.

The city of the seven hills.

Then Servius built a strong wall from the Quirinal to the Esquiline, and made a deep trench, and added the Esquiline to the town, so that all the seven hills were united and formed one city. This city he divided into four parts, which he called tribes, after the old division of the people, and he divided the land round about the city into twenty-six districts, and ordered common sanctuaries and holy days, and headmen for the inhabitants of the districts which he had made.

Of the new division of the people.

Now, as Servius was the son of a bondmaid, he was a friend of the poor and of the lower classes, and he established equitable laws and ordinances to protect the common

people against the more powerful. Therefore the commons honoured him and called him the good King Servius, and they celebrated the day of his birth as an annual festival. But the greatest work that Servius did was to make a new division of the people, according to the order of the fighting men, as they were to be arranged in the field of battle, and as they should vote in the assembly of citizens when the king consulted them concerning peace or war, or laws, or elections, or other important things. For this purpose Servius divided the whole people of the patricians and the plebeians into five classes, according to their property, without regard to their blood or descent, so that from that time forward the three tribes of Romulus—the Ramnes, the Tities, and the Luceres—and their thirty curies, formed no longer the principal assembly of citizens, but lost their power in most matters that affected the government.

Of the five classes and the proletarians.

The first class Servius made to consist of forty centuries of the younger men, who were under forty-six years of age, and of forty centuries of the elder; the latter for the defence of the town, the former for service in the field. The second, third, and fourth classes he divided each into twenty centuries, ten of the older men and ten of the younger. But he made the fifth class stronger, for he gave it thirty centuries, fifteen of the older men and fifteen of the younger. The arming of the centuries was not the same in all five classes. Only the men of the first class wore complete armour, composed of breast-plate, helmet, shield, and greaves, with javelin, lance, and sword; the second class fought without the breast-plate, and with a lighter shield; the third without the greaves, and so on, so that the men of the fifth class were but lightly armed. Now, as the citizens had to procure their own equipments for war, and as the complete armour was very expensive, Servius chose for the first class only the richest citizens, whose property was estimated at more than a hundred thousand asses, that is, pounds of copper. The assessment for each of the following classes was twenty-five thousand asses less, so that in the fifth class were those citizens who

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were assessed at less than twenty-five thousand asses. But those who had less than eleven thousand asses Servius arranged in no class at all, but made of them a separate century—the century of the Proletarians—and these he exempted from all military service.

Of the horsemen, trumpeters, armourers, and carpenters.

Thus Servius arranged the infantry in 170 centuries, and for the horse he took the six double centuries of horsemen which Tarquinius had established, and to them he added twelve new centuries, chosen out of the highest and richest families. And the horsemen consisted all of younger men, as they had to fight only in the field.

As it was necessary also to have in the army trumpeters, armourers, and carpenters, Servius made four centuries of them, so that altogether 193 centuries were formed.[1]

Of the power of the people.

That was the military order of the people. And when they assembled for making laws or for elections, they observed the same order, and each century had a vote, and the chief influence was in the hands of the wealthiest, who formed the eighty centuries of the first class, and the eighteen centuries of knights. But the poorer people, although much more numerous, had but few votes, and their influence in the assembly was small, and the greatest number had not the greatest power. Nor was this arrangement unjust, for the rich provided themselves with heavy armour and fought in the foremost rank, and when a war tax was laid on, they contributed in proportion to

[1] A tabular form makes the arrangement clearer.

I. *Horsemen or Knights.*

1. Six old centuries, called sex suffragia								Census		none
2. Twelve new centuries								„		none

II. *Foot.*

1st Class,	80	centuries	(40	of seniors,	40	of juniors),	Census	100,000	asses.
2nd	„	20	„	(10	„	10	„)	„	75,000	„
3rd	„	20	„	(10	„	10	„)	„	50,000	„
4th	„	20	„	(10	„	10	„)	„	25,000	„
5th	„	30	„	(15	„	15	„)	„	11,000	„
		1 century of proletarii						Census under	11,000	„
		4 centuries of musicians and workmen						„	none	

Total 193 centuries.

their property. And Servius showed his wisdom especially in this, that in the assembly of citizens he placed the older men and the younger on an equality in the number of their votes, although there were fewer of the older, according to the nature of things. For he wished that the experience and moderation of the older citizens should restrain the rashness of the younger. In this manner the people were arranged as an army for the protection of their country, and at the same time as an assembly of citizens, to decide in all matters which concerned the well-being of the city; and no man was entirely shut out from the commonwealth, but to each one were assigned such burdens and services as he might be able to bear, and such a measure of rights and privileges as was just. The order of centuries which Servius Tullius had made, remained for many ages the foundation of the Roman commonwealth; and although, in the course of time, it was altered in many ways, it was never entirely abolished, so long as the people of Rome retained their freedom.

Critical Examination of the Legend of Servius Tullius.

Comparison of Servius with Numa

In the story of Servius Tullius we look in vain for traces of a genuine historical tradition. It is as meagre and vague as that of any of the preceding kings. In some respects it resembles the legend of Numa Pompilius. Servius Tullius is the name of an imaginary author of the constitution of centuries and of the laws which appeared to the Romans to be more or less connected with it, precisely as Numa represents the author of the ceremonial laws of the Roman religion.

and with Romulus.

The legend of the wonderful birth of Servius Tullius[1] represents him clearly as the founder of the city. It is in all essentials the same legend as that of the birth of Romulus,[2]

[1] Livy (i. 39) gives a rationalistic version of it, out of which the miracles are eliminated.

[2] Dionysius, iv. 2. Ovid, *Fast.* vi. 627. Pliny, *Hist. Nat.* xxxvi. 70. Plutarch, *De Fort. Rom.* 10.

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of Cæculus, the founder of Præneste,[1] and of Modius, the founder of Cures;[2] and it shows the conception which the Latins and Sabines had of the divine descent generally attributed by them to the hero to whom they ascribed the origin of their towns. As the domestic hearth, the symbol of family union, was consecrated to the *lar* or genius of the house,[3] so every state, as a political community, had a common hearth, and a virgin of the hearth gave birth to the founder of the commonwealth.

Servius as the founder of the Roman commonwealth.

Servius Tullius, therefore, was considered the originator of the Roman commonwealth, and this conception was so far justified as he passed for the founder of that constitution which, differing in its groundwork from the constitution of Romulus, marks the starting-point for the political development of the plebeians. Just as Romulus was considered the author of the patrician tribes, curies, and houses, which were the groundwork of the Roman constitution in the regal period; so Servius Tullius is represented by the legend as the author of a new division of the people, which was the germ of the development in the republican period.

Servius and Mastarna.

The Roman legend of the birth of Servius Tullius, which represents him as a Latin by descent, is directly opposed to an Etruscan tradition which the Emperor Claudius discovered in Etruscan annals.[4] According to this tradition Servius Tullius, originally called Mastarna, came from Etruria, with the remnants of the army of Cœles Vibenna, settled on the Cœlian hill, and, after assuming the name of Servius Tullius, acquired the royal dignity in Rome. It would be useless to attempt to decide which of these traditions is most entitled to credit. They prove only one

[1] Servius, ad Virg. *Æn.*, vii. 678. This Cæculus is the son of a virgin, who, sitting by the hearth, conceived by a spark from the fire. He is exposed and miraculously saved, collects a band of adventurers, practises robbery, and lays the foundation of Præneste. It is significant that Tanaquil, the foster mother of Servius, is also called Cæcilia. This name, like Cæculus, is connected with the stem *ca* of *caleo*, καίω, and points to the flame of the hearth.

[2] Dionysius, ii. 48. [3] Censorinus, iii. 2. Schwegler, *Röm. Gesch.*, i. 322.

[4] Schwegler, *Röm. Gesch.*, i. 717. Sir G. C. Lewis, *Credibility of Roman History*, i. 508.

thing, namely, that the story of Servius Tullius rests entirely on the imagination of the earliest writers, and that Servius was inserted among the kings of Rome chiefly because it was considered necessary to name an author of the constitution of centuries.

The constitution of Servius.

Concerning the origin of this constitution we have no tradition which deserves to be called historical. It is as improbable that it was due to a single act of legislation as it is unlikely that all the religious ordinances were established by Numa. It grew out of the constitution of curies which preceded it in the course of a gradual and natural development.[1]

The patrician curies.

The thirty patrician curies furnished the original army, the legion of 3,000 men. In these curies the plebeians were included as members bound to perform political services, but enjoying no political rights. As the number of patricians diminished, plebeians were added as light armed soldiers to the patrician legion, and for a time patricians and plebeians formed each an equal number of companies or centuries which stood side by side in the army. Gradually the plebeian warriors acquired an influence in the divisions of the popular assembly formed by the divisions of the army, especially in decisions regarding peace and war. In proportion as the number of the plebeian fighting men increased, this influence naturally increased. Thus, by taking a share in the defence of the country, the plebeians gradually acquired a share in the suffrages of the popular assembly. Still there was a distinct line of separation between the two classes, as descent and blood marked every man as belonging either to one class or to the other. This was removed by the introduction of the census, which made property instead of descent the principle of the new division. From this time forward the plebeians could no longer be kept separate as a distinct and inferior caste. In proportion to the amount of their property they were ranged side by side with the patricians

[1] See the Author's paper, 'Entstehung der Servianischen Verfassung,' in *Symbola Philologorum*, p. 629. Leipzig, 1864–67.

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in one of the five classes of citizens where nothing prevented them from reaching the highest.[1]

The census.

The introduction of the census, therefore, is the starting-point of the Servian constitution properly so called. When this development of the old organisation took place, and to whom it is due, we are unable to discover; but so much seems probable, that the establishment of the new principle involved in it did not take place without civil struggles.[2] In these struggles the plebeians must have had a champion, and perhaps we may be permitted to call such a champion Servius Tullius, and to look upon him as the great innovator. But the history of the civil contests has not been handed down to us.

Property qualifications.

The principle of the constitution ascribed to Servius Tullius is perfectly plain. It is the distribution of political rights according to the measure of political duties. It holds a middle course between the pure aristocracy of hereditary nobility, and pure democracy which only counts heads. Property is the only available test for judging of the comparative qualification of citizens for a share in the government. This test, therefore, was successfully applied in Greece as well as in Rome, and also in most of the constitutions of modern Europe. When it was introduced in Rome the old constitution, based on the comitia of curies, was superseded. Though these comitia were not altogether abolished, they possessed now no more power than other relics of antiquity which owed their preservation to the influence of religion and the respect for old forms which was characteristic of the Romans. They

[1] The contrast between the first class in the Servian constitution and the whole of the other classes is apparent from the relative number of votes of each. If the fifth class, as is probable, contained originally not thirty, but, like the three preceding classes, only twenty centuries and votes (see the Author's paper in the *Symbola Philologorum*, p. 638), the equal division of the people between the first class and all the rest is very striking. Moreover the name *classis*, *i.e.* army, applies originally only to the first class, whose members were called *classici*, while the others were designated as *infra classem* (Gellius, vii. 13).

[2] Perhaps we can discover traces of it in the stories relating to the hostility of Servius to the party of Tarquinius the tyrant, and in the story of his violent death.

were assembled from time to time to go through certain formalities, especially those of a religious character, but they were stripped of all political power.[1] This power passed over to the comitia of centuries, and as long as these enjoyed life and vigour the Roman commonwealth grew and prospered.

The comitia of centuries.

It follows from what has been said that the original form of the comitia of centuries is involved in obscurity. The numbers preserved by Livy and Dionysius are evidently taken from a much later time.[2] The so-called 'Commentaries,' or books, of Servius Tullius, mentioned by some writers, are no more genuine than the commentaries of Numa.[3] If Fabius Pictor and other writers report that in the first census made by Servius Tullius the number of citizens capable of bearing arms was eighty thousand, we feel sure that this evident exaggeration is sufficient to show how thoughtless and unskilful those annalists were who drew upon their imagination for the materials of the so-called history of the Roman kings.

Servius the legislator.

Besides the introduction of the comitia of centuries, other measures are ascribed to Servius Tullius, such as the division of Rome into four tribes or quarters, that of the Roman territory into twenty-six districts, the distribution of the plebeians in small communities of villages (*pagi*) and wards (*vici*), and, lastly, the organisation of guilds or companies.[4] In short, he was looked upon as a great legislator, to whom everything might be referred of which it was impossible to name another author.

The treaty with the Latins.

With regard to his foreign policy, the only measure of importance ascribed to Servius Tullius is the conclusion of a treaty with the Latins, which is said to have been ratified by the erection of a temple of Diana on the Aventine as a federal sanctuary. In proof of this statement an historical document is quoted which is alleged to be the

[1] Some analogy is presented by the English Convocation, a body that meets annually to talk, but is debarred from transacting business.

[2] See Schwegler, *Röm. Gesch.*, i. 761.

[3] See p. 33.

[4] The same is ascribed to Numa.—Florus, i. 6; Plutarch, *Num.*, 17.

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original charter of confederation, engraved on a pillar of brass, and preserved in its original state at the time when Dionysius wrote his history, that is, under the reign of Augustus.[1] On a close examination we find that this statement, apparently so well attested, is entirely delusive, and in no way calculated to convert by its authority the tissue of fables with which it is surrounded into real history.

Supposed testimony of Dionysius.

Of all the ancient writers Dionysius alone quotes this alleged document, which, if it had been genuine, and had really existed at the end of the republic, could not have failed, as the oldest written monument of antiquity, to attract general attention. It is clear, however, that Dionysius never saw the actual document himself. It is not even certain, from his expressions, that it was in existence at the time he wrote. If it had existed, the most learned antiquarians would not have been able to read it, as is proved by the fact that a document from the year 348 B.C.,[2] more than two hundred years later, was, at the time of Polybius, almost unintelligible on account of its obsolete language.

Its value.

A treaty of confederation between Rome and the Latin cities would certainly have contained the names of the members of the league, and would have enabled Dionysius to give these names. As he omits to do this, the authenticity of the document to which he refers must be called in question. We must, therefore, consider the statement of Dionysius as one of the downright frauds of which he is frequently guilty, and with which he endeavours to palm off the fables of antiquity as well-authenticated and trustworthy historical records.

The story of the violent death of Servius Tullius belongs to the period of the succeeding king, and will there be discussed.

[1] Dionysius, iv. 26: *στήλην κατασκευάσας χαλκῆν ἔγραψεν ἐν ταύτῃ τά τε δόξαντα τοῖς συνέδροις καὶ τὰς μετασχούσας τῆς συνόδου πόλεις· αὕτη διέμεινεν ἡ στήλη μέχρι τῆς ἐμῆς ἡλικίας ἐν τῷ τῆς Ἀρτέμιδος ἱερῷ κειμένη γραμμάτων ἔχουσα χαρακτῆρας Ἑλληνικῶν οἷς τὸ παλαιὸν ἡ Ἑλλὰς ἐχρῶτο.*

[2] On the date of the first treaty with Carthage, see Mommsen, *Chronologie*, p. 320.

CHAPTER VIII.

THE LEGEND OF TARQUINIUS SUPERBUS.

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SERVIUS TULLIUS had two daughters; one was good and gentle, and the other was haughty, imperious, and heartless. In like manner Aruns and Lucius, the two sons of the elder Tarquinius, were of different character; the one was good-tempered, and the other was vicious and violent. These sons of Tarquin Servius Tullius married to his own daughters, thinking to soften the hearts of the wicked by the gentle sweetness of the good; and so he gave to the wicked Lucius the sweet Tullia to wife, and the proud Tullia he married to the good-natured Aruns.

Of the daughters of King Servius.

But matters turned out differently from what Servius had expected. The wicked ones longed for each other's company, and they despised their amiable consorts as weak and mean-spirited. Therefore the bad Lucius murdered his wife and his brother, and he took to wife the daughter of Servius, who had a like disposition to his own. Now this reckless pair excited one another mutually to new enormities. They desired to possess power, and they practised deceit and cunning, and made for themselves a party among the nobles and those of the people who were the enemies of Servius on account of his innovations.

How Tullia became the wife of Lucius Tarquinius.

Now when everything was prepared, Lucius Tarquinius entered the market-place clothed in the royal robes, and, surrounded by a band of armed men, summoned the senate to appear before him, and harangued them as king. At the report of this usurpation, Servius was alarmed and hurried to the spot, and there arose a quarrel in the senate-

How Tarquinius appeared as king in the Forum, and slew Servius.

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house between him and his son-in-law. Then Tarquinius seized the weak old man, and cast him down the steps of the senate-house, and sent after him men who overtook him on his way to his own house, and slew him in the street, and let him lie in his blood. But the wicked Tullia, the daughter of Servius, full of joy at what had happened, hurried to the market-place in her carriage, and welcomed her husband as king. And as she was driving home through the street where her father was lying dead, she gave orders that the horses should not be turned aside, and she drove on over the corpse of her father, so that the carriage and her dress were spattered with his blood. And from this the street was called for ever after the street of crime.[1]

Of the reign of the wicked Tarquin.

Thus Tarquinius gained the royal power without the consent of the senate, and without the choice of the people; and as he had acquired it so he exercised it; so that the people called him the Proud, and hated and detested him as long as he lived. For he regarded neither justice nor equity, nor the laws and ordinances of good King Servius, nor did he summon the senate for counsel, but reigned entirely according to his own will, and oppressed all, whether high or low. Moreover, he surrounded himself with a body-guard, after the custom of the Greek tyrants; and those among the citizens who were against him, or whose wealth provoked his avarice, he punished, upon false accusation, either inflicting heavy fines, or driving them into exile, or putting them to death. The poor he compelled to work at his buildings, and made them serve like slaves beyond their strength, so that many killed themselves out of despair.

How Sextus Tarquinius deceived the men of Gabii.

After Tarquinius had established his power in Rome, he turned against the Latins; and those that did not willingly submit he made war upon, and made them subject to himself. But the people of Gabii resisted him manfully, and he could not prevail against them. Then his son Sextus

[1] Vicus sceleratus.

devised a stratagem. He went to Gabii, as if fleeing from his father, and he showed his back covered with bloody stripes, and begged the people of Gabii, with supplications and tears, to protect him from his father and to receive him into their town. Thus the people of Gabii were deceived, and they trusted his words, and befriended him, and made him the commander of a company. But the Romans fled when Sextus led the men of Gabii, because it had thus been agreed upon between Sextus and his father. When Sextus had thus gained the confidence of the Gabine people and possessed great power in Gabii, he sent a messenger to his father to ask what he should do. The king was walking in his pleasure-ground when the messenger came, and, instead of giving him an answer in words, Tarquin struck off with his stick the tallest poppies and sent the man back. But Sextus understood the meaning of his father's reply, and began to bring false charges against the first and noblest of the men of Gabii, and so caused them to be put to death; and when he had done this, he surrendered the helpless town to his father.'

Of the alliances and wars of Tarquin.

In order now to strengthen his power, Tarquinius united himself to Octavius Mamilius, who reigned in Tusculum, and gave him his daughter to wife; and he established the festival of the Latin games, which were solemnised every year on the Alban hill at the temple of Jupiter Latiaris, and in which all the Latin cities took part. After this he waged war on the Volscians, a powerful people who lived in the south of Latium. And he conquered Suessa Pometia, their greatest and richest town; and the spoils he gained in war were very large; and he used them to finish the temple of Jupiter on the Capitol, which his father had begun. And he sent for artists from the towns of Etruria to decorate the temple with works of art, and for the summit of the temple he ordered a chariot with four horses to be made of clay in the town of Veii. Now when the chariot was in the oven to be baked, it did not shrink as clay always does, but it

Of the chariot and horses of the Capitoline Jupiter.

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expanded and became so large that it could not be taken out again without breaking down the oven. Then a prophet announced to the Veientines that the chariot was a pledge of fortune and power, and therefore they would not give it up to the Romans. But when a chariot race took place in Veii, and the charioteer who won the race drove away from the course, his horses suddenly took fright and could not be held, and they ran straight to the Roman Capitol and at the Ratumenian gate they overturned the chariot, and the driver was hurled down dead on the ground. Then the Veientines saw that the vengeance of the gods threatened them if they kept the clay chariot against the laws of justice and the will of Fate, and they brought it to Rome, where it was placed on the gable of the temple.

After this the large sewers, which the elder Tarquinius had begun, were finished by Tarquinius Superbus, and so strong and firmly were they built that they exist even to the present day, bringing the water from the lower parts of the town into the Tiber. And then Tarquinius completed the Forum, which was used for buying and selling and for the general assemblies of the people; and he improved the large race-course in the valley between the Palatine and the Aventine hills; he also adorned the town with many other buildings, for he loved pomp and splendour, and he thought by his great extravagance and by compulsory labour to make the people poor and helpless, that he might govern them more easily.

Of the Sibylline books.

Now, when he was in full possession of power, there appeared one day before him a strange woman and offered him nine books of divine prophecy, which the inspired Sibyl of Cumæ had written on loose leaves. But, because she asked a high price, Tarquinius laughed at her and let her go. Then the woman burnt three of the books before his eyes, and returned and offered to sell the other six for the same price which she had at first asked for the nine. But Tarquinius laughed at her still more, and thought she was mad. She then burnt three more of the

books, and offered the last three for the original price. Then Tarquinius began to reflect, and he felt persuaded that the woman was sent to him by the gods, and he bought the books. In this manner he obtained the books of Sibylline prophecy, which were consulted in stress of war, or in time of plague or famine, in order to ascertain how the wrath of the gods was to be appeased. They were carefully preserved, and two men who knew the language of the Greeks, in which the books were written, were appointed to take care of them and to consult them when necessary. CHAP. VIII.

How Tarquin sent his sons to Delphi.

Up to this time Tarquinius had been always fortunate in his undertakings, and he became ever more and more proud and overbearing. Then he was frightened by dreams and great signs and wonders, and he determined to consult the oracle of the Greeks at Delphi. For this purpose he sent his two sons to Delphi, and with them Junius, his sister's son, who, on account of his stupidity, was called Brutus. But the stupidity of Brutus was only a pretence to deceive the tyrant, who was an enemy of all wise men, because he feared them. Now when the king's sons brought costly presents to the Delphian god, Brutus gave only a simple staff. The others ridiculed him, but they did not know that the staff was hollowed out and filled with gold, as an emblem of his own mind. After the king's sons had executed the commission of their father, they asked the god who would reign in Rome after Tarquinius. And the answer of the oracle was, that he should reign who would be the first to kiss his mother. Then the two brothers agreed to draw lots, which of them should first kiss his mother on arriving at home. But Brutus perceived the real meaning of the oracle, and when they had left the temple, he pretended to stumble, and he fell down and kissed the ground, for the earth, he thought, was the common mother of all men.

Of Collatinus and his wife Lucretia.

Now when Tarquinius had reigned twenty-four years, it came to pass that he besieged Ardea, the town of the Rutuli, in Latium; and one evening, when the king's sons

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were supping with their cousin, Tarquinius Collatinus, who lived in Collatia, they talked of their wives, and each praised the virtue and thriftiness of his own wife. Thereupon they agreed to go and see which of the ladies deserved the highest praise. Without delay they mounted their horses and galloped quickly to Rome, and then to Collatia to take the ladies by surprise. They found the daughters-in-law of the king enjoying themselves at a feast, but Lucretia, the wife of Collatinus, they found sitting up late at night with her maids busy with spinning and other household work. Therefore Lucretia was acknowledged to be the matron most worthy of praise.

How Sextus Tarquinius wronged Lucretia.

But Sextus Tarquinius, when he had seen Lucretia, conceived a base design against her, and so he came again one evening to Collatia. After he had been kindly received and led into his chamber, he rose in the middle of the night, when every one was asleep in the house, and came into Lucretia's room and surprised her alone. And when she refused to yield herself to him, he threatened to murder her and to put a murdered slave to lie beside her, and then to accuse her to her husband that he had found her with a slave. Then Lucretia resisted no longer. The next morning Sextus went away and returned to the camp before Ardea.

Of the death of Lucretia.

But Lucretia sent messengers to Rome and to Ardea to fetch her father Lucretius and her husband Collatinus. These two hastened to Collatia, and with them came Junius Brutus, and the noble Publius Valerius Poplicola, and they found Lucretia in her room clothed in deep mourning. And when they were all collected together, Lucretia told them of the deed of Sextus, and of the shame brought upon her, and she challenged the men to swear that they would avenge her. And when she had ended her words, she drew a knife and plunged it into her heart and died.

How the people drove out the house of Tarquin

Then the men were seized with grief, and they carried her corpse to the market-place, and told the people what had happened, and sent messengers with the news to the army at Ardea. But Brutus assembled the people together

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and spoke to them, and called upon them to resist the tyrant. And the people determined to expel King Tarquinius and his whole house, to abolish the regal power, and to suffer no king any more in Rome. And they chose, in the place of a king, two men who should exercise the royal power for one year, and should be called not kings but consuls; and for the management of the sacrifices, which the king had to offer, they chose a priest, who should be called the king of sacrifices, but should have no power in the state, and should be subject to the high pontiff. Otherwise they altered nothing in the laws and ordinances of the state, but they let them all remain as they had been during the time of the kings. And for the first consuls they chose Lucius Junius Brutus and Lucius Tarquinius Collatinus. These consuls shut the gates against Tarquinius, and the Roman army before Ardea abandoned Tarquinius and went back to Rome. Thus the death of Lucretia was avenged, and Rome became a free city after it had been subject to kings for two hundred and forty years.

from Rome.

Critical Examination of the Legend of Tarquinius Superbus.

Materials for the story of Tarquinius Superbus.

The reign of the Tarquins immediately precedes the establishment of the republic, that is, the time in which the history of Rome is suddenly changed in character and assumes the form of contemporary historical narrative, for from this time forward the names of the annual magistrates and the most important events are recorded year after year, in the form of annals or annual registers. Hence it might be inferred that the dawn of genuine history ought to penetrate as far as the reign of the last Tarquin, and this has indeed been the general opinion of recent historians. Nevertheless, if we examine closely the alleged events, we find neither in their matter nor in their form an essential difference from the traditions of the earlier kings. The personal adventures of Tarquinius Superbus, it is true, are a little more varied and interesting. This is,

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however, the result not of a more authentic tradition, but of tales borrowed from ancient Greek writers.

Multiplication of the Tarquinii.

It has already been remarked that the oldest tradition knew only one Tarquin; and that at a later time, when the history of the kings was arranged into a connected story, two Lucii Tarquinii were substituted for one, and separated from one another by the insertion of the reign of Servius Tullius. Thus it is explained that some events are referred to the elder and also to the younger Tarquin, as, for instance, the construction of the great public works, and the purchase of the Sibylline books. Hence arise also the chronological difficulties which Dionysius[1] attempted to remove by inserting a whole generation between the elder and the younger Tarquin, and by making the latter not the son but the grandson of the former; for, he argued, if Tarquinius Priscus came to Rome as a middle-aged man, and reigned thirty-seven years, he could not at his death leave little children, one of whom, after the lapse of forty-four years, occupied by the reign of Servius, became king, reigned twenty-five years, and died several years afterwards in exile, so that from the birth of the father to the death of the son about a century and a half must be supposed to have elapsed.

Tarquin and the Greek despots.

The Greek colouring of the legend is unmistakable, and appears to be of comparatively late origin. It represents Tarquin like a Greek tyrant of the older period. He seizes the government by force without any regard to legal forms, assisted by a number of partisans, and by a body-guard; he is hard and cruel to the old nobility and to the rich; he oppresses the people by forced labour; endeavours to strengthen himself by family connexions with foreign rulers; he loves magnificence, is a patron of art, bold and successful in his foreign politics, and victorious in war. This conception of Tarquin was formed at a comparatively late period under the influence of Greek ideas. There was however an older national, and less unfavourable, concep-

[1] Dionysius, iv. 7.

tion of him, according to which he was not a tyrant, but a vigorous king, like Romulus. This view of Tarquinius was embodied in the history of the elder king of this name, who is never represented as an unjust tyrant. It is not improbable that this difference of conception has contributed to make two Tarquins out of one. The story of the stratagem by which Gabii was conquered is probably taken from Herodotus, who relates a similar story with regard to the capture of Babylon by Cyrus.[1] The same Greek author tells the story of the poppy-heads, which he relates, with slight variations, of Periander and Thrasybulus.[2] Not more authentic is the account of the alleged embassy to Delphi, which was inserted for the purpose of showing the hidden wisdom of Brutus. The embassy leads to nothing; it is accounted for not by political events, but by dreams and miracles.[3] It was evidently of Greek origin. There was no lack of native Italian prophets, especially in Etruria. Rome had at that time no intercourse with Greece proper, whatever may have been its relation to Italian Greeks. It is utterly impossible, therefore, that in such an early period an isolated instance of an embassy to the Delphic sanctuary should have occurred.[4] In like manner the narrative of the purchase of the Sibylline books by Tarquin is very suspicious, although the general tradition speaks in its favour, and only one author, the Greek lexicographer Suidas, informs us that, according to some statements, this purchase took place in the time of the republic. Yet the

Influence of Greek stories.

The purchase of the Sibylline books.

[1] Herodotus, iii. 154.

[2] Herodotus, v. 92.

[3] An eagle's nest on a tall palm-tree is attacked by a flight of vultures, the young birds are killed, the old ones chased away, the nest destroyed (Dionysius, iv. 63; Zonaras, vii. 11). Such a story could originate only in a country where palms and vultures are not rare. Now, though palms do grow occasionally as far north as Rome, it is not likely that they ever were common. Vultures are not found in Italy, except in the Alps (Lewis, *Credibility of Roman History*, i. 515). The story, therefore, was most probably imported from Greece. No similar prodigy ever occurred in Italy in historical times, among the scores of prodigies reported from time to time.

[4] The next instance of a consultation of the Delphic oracle is said to have taken place in the last war with Veii, the account of which is full of fables and miracles.—Livy, v. 16. Schwegler, *Röm. Gesch.*, iii. 219. Marquardt, *Röm. Alterth.*, iv. 44, n. 276. See below, book ii. chap. xvi.

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reason for assigning it to Tarquinius is apparently only an inference made from the circumstance that the Sibylline books were preserved in the temple of the Capitoline Jupiter. Nothing seemed more natural than to suppose that Tarquin, who built that temple, purchased also the sacred books of the Sibyl.[1]

Greek elements in Roman tradition.

From the Greek tales in the history of the Tarquins it has been argued that, in the Tarquinian period, a lively intercourse took place between Greeks and Romans, and that Rome then received the first impression of Greek civilisation. We hold that this inference is erroneous, and we consider the stories upon which it is based as so many attempts to represent the aboriginal Romans as connected with Greece, attempts which we have met with in the legend of Æneas, in the alleged intercourse of Numa and Pythagoras, in the legend of the temple of Diana on the Aventine, built, as it is said, after the model of that of the Ephesian Artemis, and in the alleged descent of the Tarquins from Demaratus of Corinth. At what time and in what manner Greece began to exercise her influence upon Rome, is a question for the solution of which we obtain no materials from the unauthenticated history of the regal time. The alphabet, the system of weights and measures used in Rome, appear to have been introduced from the Greek cities in Southern Italy, but we have as yet no evidence to show how and when.

[1] Collections of prophecies similar to the Sibylline books are met with not only among the Greeks, but also among the Italians—Etruscans as well as those of Sabellian race. The Romans had the prophecies of the Marcii ('Carmina Marciana,' Hartung, *Religion der Römer*, i. 139); prophetic lines (*sortes*) of the nymph Albunea had come down to Rome from Tibur in a miraculous manner (Marquardt, *Röm. Alterth.*, iv. 299). There existed likewise Etruscan 'libri fatales' (Livy, v. 45. Cicero, *De Divin.*, i. 44, 100), and prophecies of the Etruscan nymph Begoe (quæ artem scripserat fulguritorum apud Tuscos. Lactant, *Instit.*, i. 6, 12). Such books as these were kept in the Capitol, together with the Sibylline books, in the care of the Quindecimviri sacris faciundis. They are all called without distinction 'libri fatales' and 'Sibylline' books, and there seems to have been little difference between them. It is not likely that Italian writings of this kind were introduced in Rome after the Greek Sibylline verses had become fashionable. They must, therefore, have been older, and nobody was more likely to bring Etruscan 'libri fatales' to Rome than the Etruscan Tarquins.

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The expulsion of the Tarquins.

If, from what we have said, it must be conceded that the history of the reign of Tarquinius Superbus is unauthentic, it follows that the account of his expulsion is likewise without foundation. It is contrary to all experience, and to the laws of human nature, that a powerful dynasty should have been expelled without any difficulty, without any internal struggles, simply by a resolution of the people, and that a monarchy which had lasted for centuries should have been changed, as by magic, into a republic in complete working order, with responsible annual magistrates and the laws necessary to secure the permanence of these institutions.

Probable meaning of the story.

We venture to conjecture that the expulsion of the Tarquins from Rome implied not merely a change in the constitution, but that it was connected with a national rising of the Latino-Sabine people against the Etruscans, who for a time had held dominion over Latium. This, it is true, cannot be proved with absolute certainty. The evidence to which we must refer is too vague and untrustworthy; it depends too much upon individual conceptions, and may often be interpreted in various ways. We must, therefore, rest contented if the result of our investigations satisfy the rules of probability, and if we get rid of conceptions which our judgment rejects as untenable and false.

The Etruscans or Tyrrhenians.

The Etruscans or Tuscans, called by the Greeks Tyrrhenians, differed in descent, language, and manners from all the other races of Italy, and from the Greek settlers on Italian soil. They had spread themselves at the time of their greatest power over the wide plain of the Po in the north of Italy; in the south they occupied Campania; and in central Italy the land of Etruria, to which they gave its name. In each of these three districts they built towns at a very early period, which were ruled by kings and formed several confederacies. At the time of their immigration they had either expelled or conquered the original inhabitants; and in some districts—for instance, in southern and eastern Etruria—they had amalgamated with them to a

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certain extent. In the settlements north of the Apennines the Etruscans were gradually overpowered by successive invasions of Gauls; in Campania their dominion seems to have been of short duration, and to have been broken towards the end of the regal period by the Greek colonies in union with the advancing Sabellians; but in Etruria proper—between the Arno, the Tiber, the sea, and the Apennines—the Etruscans reached a high degree of national development. Here were situated the maritime cities, which commanded the western sea, called after them the Tyrrhenian, by which they extended their commerce, as well as their piratical excursions, to the furthest shores. In this country, which still bears a name derived from them, they left traces of their national peculiarities, bearing witness to the present day of their ingenuity and their wealth.

Their history and literature.

Of the history of the Etruscans we know hardly anything. The Greek and Roman writers give but a scanty and untrustworthy account of them. Like the Egyptians, they are known to us chiefly by the ruins of their buildings and by the numerous sepulchral monuments which are still preserved. Their literature has perished entirely, and even their language, which was spoken down to the time of the civil wars of Marius and Sulla, gradually died away, and was so neglected that we have no key to decipher the inscriptions they have left behind. The Etruscans, therefore, have become in many respects a mysterious people, and will remain so until some fortunate accident, like the discovery of the Rosetta stone, shall come to our help. It follows that we must speak with great reserve of this nation, of their character, their religion, and their civil institutions, and that it is difficult to judge with certainty of the influence which they exercised on Rome.[1]

[1] The Etruscan influence in Rome was not so great as to modify essentially the original Latin race. But it shows itself in matters which have reference to religion and politics, in such a manner that it can hardly be derived from peaceful intercourse of the two nations. The whole system of auguries, as it was developed in Rome into an elaborate science, half religious and half political, is of Etruscan origin (see O. Müller, *Etrusker*, iii. 6). The science of

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The origin of the Etruscans.

Concerning the origin of the Etruscans, historical science has not yet arrived at a final and satisfactory result, although this question has been most eagerly discussed from the oldest times to the present day. The ancients were satisfied that the Etruscans migrated from Asia Minor to Italy, and that they were of kindred blood with the Tyrrhenians spread in all directions over the eastern shores and islands of the Mediterranean. Since Niebuhr wrote, the hypothesis has been very generally accepted that the Etruscans migrated into Italy from the mountainous districts of Rhætia, and that they gradually advanced in the peninsula from north to south. It is impossible to decide which of these two views is correct. Whatever the original country of the Etruscans was, we know them only after they had settled in Italy, and the history of Rome is not concerned with the events which preceded this settlement.

Relations of the Etruscans and Latins.

In all probability the Etruscans were first brought into contact with the Latins when, after the conquest of the whole of Etruria as far as the Tiber, they penetrated further southward towards Campania.[1] 'It is most likely that the Etruscans reached Campania by land, that their dominion extended at one time without interruption from the foot of the Alps to Mount Vesuvius, and that consequently the coast districts of Latium were once Etruscan.'[2] These southern conquests of the Etruscans, however, were not permanent like those in Etruria proper. They appear not to have been made by a migration of the whole people, or by a settlement in great numbers; but rather seem to

the haruspices, especially the interpretation and expiation of lightning, always remained in the exclusive possession and practice of Etruscans (Müller, *Etrusker*, iii. 7). It is very significant that the insignia of royalty are admitted by general consent to have been derived from Etruria. The introduction of these insignia is explained only by the supposition that Etruscan kings governed in Rome, just as the French phrases employed to the present day in English parliamentary language and the administration of law are due to the Norman conquest.

[1] It is quite immaterial whether this advance was made by land, or, as others (Mommsen, *Röm. Gesch.*, i. 126; Engl. transl. i. 129) will have it, by sea.

[2] Schwegler, *Röm. Gesch.*, i. 329.

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have had the character of a military occupation,[1] effected at a time when the colonisation of Etruria proper had absorbed the principal strength of the Etruscan race.[2] Even the southern part of Etruria, between the Ciminian hill and the Tiber, appears to have been subdued considerably later than the northern parts of the country, and to have adopted the Etruscan language and manners but partially and imperfectly.[3] Thus it is explained that the Etruscan power in Campania and Latium was overthrown at a comparatively early period, and left few traces behind.[4]

Traditions of Etruscan conquest.

The memory of Etruscan rule over Latium was preserved in the old popular tradition of the Etruscan tyrant, Mezentius, who in the time of Æneas subdued the Latins, imposed a tribute on them, and was at last, after a hard struggle, defeated and expelled from Latium.[5] Another mythical character of similar nature was Turnus, evidently a Tyrrhenian by his very name, who, as prince of the Rutuli in Ardea, fought against Æneas. As Etruscan conquerors of Latium, we have already met with Mastarna and the Lucumo Cœles Vibenna. In the current narrative the two Tarquins were inserted among the Roman kings, as Etruscan conquerors of Latium; and lastly we shall find that the conquest of Rome by Porsenna is nothing but another version of the same popular tradition which has preserved the memory of Etruscan dominion in Latium.[6]

[1] As it is represented in the legends of Cœles Vibenna, Mastarna, and Porsenna.

[2] Analogous are the conquests of the Longobards in Southern Italy and of the Anglo-Normans in Wales and Ireland.

[3] Mommsen, *Röm. Gesch.*, i. 115, 116, 143; English translation, i. 121, 131, 148.

[4] The first Norman conquerors in Ireland became Hibernis Hiberniores.

[5] Dionysius, i. 65. Plutarch, *Quæst. Rom.*, 45. Macrobius, iii. 5, 10. Ovid, *Fast.*, iv. 888, 895,

[6] Compare also Virgil, *Æn.* xi. 539 ff.; and Servius, *Æn.*, xi. 567.

CHAPTER IX.

THE ATTEMPTS OF TARQUINIUS TO REGAIN THE ROYAL POWER.

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WHEN the wicked Tarquin had been driven, with his whole house, out of Rome, he did not give up all hope of regaining his power. He had still a strong party in Rome, especially among the younger patricians, who had lived evil lives under his rule. Therefore he sent messengers to Rome, who should pretend to apply for the restoration of his movable property, but who consulted secretly with his adherents how the king could be brought back to Rome. One day, when the conspirators were conferring privately together, they were overheard by a slave, who betrayed them to the consuls. Then they were all seized and thrown into prison. But the slave was rewarded with freedom and the Roman citizenship.

Of the plot to bring Tarquin back to Rome.

Then Brutus, who was consul with Tarquinius Collatinus, showed how a true Roman must love his country more than his own blood. For when it was found that his two sons were among those who wished to bring Tarquin and his family back to Rome, he condemned them to death as traitors, even as he condemned the other conspirators, and did not ask mercy of the people for them, but had the youths bound to the stake before his eyes, and then gave orders to the lictor to scourge them and to cut off their heads with the axe.

How Brutus dealt with his sons.

Now the people were still more embittered against the banished Tarquins, and the senate declined to give up their movable goods, and divided them among the people. But the field between the town and the Tiber, which belonged

Of the Campus Martius.

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to the Tarquins and was sown with corn, they consecrated to the god Mars, and called it the field of Mars, and the corn they caused to be cut down and thrown into the Tiber. It drifted down the bed of the river to a shallow place, where it became fixed; and as, in the course of time, mud and earth collected there, an island was formed in the river, which was afterwards surrounded by embankments and walls, so that large buildings and temples could be erected on it.

Of the decree of banishment against all the Tarquinii.

Now, after the conspiracy had been discovered and punished, the senate and the people made a law that all those who were of the Tarquinian race should be banished for all time to come. And all the secret adherents of the royal party escaped from the town, and collected around the expelled Tarquin. But Tarquinius Collatinus, who was consul with Brutus, was a friend of the people and an enemy of the banished king and his house, on account of the shame which Sextus Tarquinius had brought upon his wife Lucretia. But as he was of the race of the Tarquins, he obeyed the law, laid down his office, and went into exile, and the people chose Publius Valerius to be consul in his place.

Of the death of Brutus and of Aruns Tarquinius.

Now when the plan of Tarquinius to regain the dominion by cunning and fraud had been defeated, he went to Tarquinii in the land of the Etruscans, which was the home of his father, and he excited the people of Tarquinii and of Veii to make war upon Rome. Then the Romans marched out against the Etruscans, and fought with them near the wood Arsia. And in the battle Aruns, the son of Tarquinius, saw Brutus at the head of the Roman army, and thinking he would revenge himself upon the enemy of his house, he put spurs to his horse and ran against him with his spear. And when Brutus saw him, he did the same, and each pierced the other through the body with his spear, so that both fell down dead from their horses. But the battle was fierce and bloody, and lasted until the evening without being decided. And in the night, when both armies were encamped on the field of battle, a loud voice of the

god Silvanus was heard coming out of the wood, saying that the Romans had conquered, for among the Etruscans one man more was slain than among the Romans. Then the Etruscans went away to their homes, and the Romans also went home, taking the body of Brutus with them, and the Roman women wept and mourned for him a whole year, because he had so bravely avenged the dishonour of Lucretia.

Of the war which King Porsenna made against the Romans.

Thereupon Tarquin the tyrant betook himself to Clusium to King Porsenna, who ruled over all the Etruscans, and he implored help of him against the Romans. And Porsenna collected a powerful army, and marched towards Rome to restore Tarquin to his kingdom. And as the Etruscans approached, they took the hill Janiculus, which lies on the right side of the Tiber opposite the Capitol, and they drove the Romans back over the wooden bridge into the city. Then the Romans were seized with great fear; and they did not venture to oppose the enemy, and to defend the entrance of the bridge, but they fled across the bridge back into the city. When Horatius, who was surnamed Cocles, saw this, he placed himself opposite to the enemy at the entrance of the bridge, and two warriors, who were called Larcius and Herminius, stayed with him. These three men stirred not from the place, but fought alone with the whole army of the Etruscans, and held their position, while the Romans pulled down the bridge behind them. And when only a few planks were left, Larcius and Herminius hurried back, but Horatius would not move until the bridge was broken down and fell into the river. Then he turned round, and, with his arms upon him, just as he was, sprang into the Tiber and swam back to Rome unhurt. Thus Horatius saved the city from the Etruscans, and the Romans rejoiced and led him in triumph into the city, and afterwards they erected a monument to him on the Comitium, and gave him as much land as he could plough in one day.

Of the great deed of Mucius Scævola.

Meanwhile, the town was hard pressed by Porsenna, and there arose a famine in Rome, and the people were

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driven to despair. Then Mucius, a noble Roman, determined to kill King Porsenna, and he went into the Etruscan camp, even into the king's tent. But, as he did not know him, he slew the treasurer of the king, who sat near him, and who was distributing the pay to the soldiers. And he was seized and threatened with death. Then he stretched out his right hand into the flame which was burning on an altar, until it was burnt to ashes. Porsenna was so much amazed at the courage of the youth that he forgave him, and allowed him to return free. And Mucius, in gratitude for the magnanimity of Porsenna, revealed to him that 300 Roman youths had sworn to attempt the same deed that he had undertaken, and that they would not rest until they had taken his life.

How King Porsenna made peace with the Romans.

When Porsenna heard this, he feared to distress the Romans any longer, and made peace with them. He took no land from them, except seven villages of the Veientines, which the Romans had conquered in former times; and, having made them give hostages, he insisted no longer that they should receive Tarquin again as their king.

Of the maiden Clœlia.

Among the hostages was a noble virgin called Clœlia, who would not suffer herself to be kept captive among the Etruscans. Therefore, when the night came, she slipped out of the camp, reached the river, and swam across to Rome. But the Romans, although they honoured her courage, blamed her conduct, and brought her back to Porsenna, because she had acted in opposition to the treaty and to the right. Then Porsenna admired the faith of the Romans, and released Clœlia, and also as many of the other hostages as she selected; and when he went away from Rome, he left his camp there, and gave to the Romans all the things contained in it. The senate sold these goods to the people, and thus it became customary to say at public sales, 'The goods of King Porsenna are being sold.'

How Aruns, the son of Porsenna.

When Porsenna had become tired of the war, he went home to Clusium; but he sent his son Aruns with an army against Aricia, a town of the Latins, where all the

people of Latium were accustomed to meet together. But Aristodemus, the Greek tyrant of Cumæ, helped the Latins, and the Etruscans were beaten in a great battle, so that few escaped alive. These the Romans received hospitably, nursed them and healed their wounds, and to those who wished to remain in Rome, they gave dwelling in that part of the town which, after them, was called the Etruscan quarter.

was worsted near Aricia.

But Tarquin had not given up all hopes of regaining Rome. For this reason he went to Tusculum, to his son-in-law Octavius Mamilius, and excited the Tusculans and the other Latins to make war upon Rome. And the Romans trembled before the strength of the Latins; and as they thought that perhaps the two consuls might not agree in war, they nominated a dictator, who should have power over Rome like a king, and be sole leader of the army, for six months. And for this post they chose Marcus Valerius. After this a great battle was fought near the Lake Regillus, between the Romans and the Latins; and the Romans began to give way when the banished king, at the head of a band of Roman exiles, came against them. Then the Roman dictator vowed a temple to Castor and Pollux, if they would assist the Romans in battle. And behold! two youths rode on white chargers at the head of the Roman horse, and pressed down upon the enemy. And the Romans saw that they were the sacred twins, and took courage and overthrew the Latins, and conquered and killed many of them. Now, when the battle was lost, Tarquin gave up all hope of coming back again to Rome, and he went to Cumæ, to the tyrant Aristodemus, and dwelt there till he died.

Of the battle at the Lake Regillus.

When the battle was yet hardly ended, two youths appeared in Rome on white chargers, and announced the victory over the Latins; and when they had washed their horses at the spring of Juturna in the Forum, they suddenly disappeared and were never seen again. Then the Romans knew that they had seen Castor and Pollux, and they built them a temple on the place where they had

How the twin gods appeared in Rome.

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washed their horses. From this time the Romans were no more troubled by Tarquin and his house. And they made new laws and ordinances, that they might keep the freedom which they had gained and never again be under the power of kings.

Critical examination of the Story of the attempts of Tarquinius to regain the royal power.

Favour shown to the kings by the younger patrician houses.

The stories of the various attempts of the expelled Tarquin to regain his lost dominion are not without some traces of a true and genuine tradition pointing to the circumstance that the revolution was by no means limited to a change of the constitution. The conspiracy among the nobles, in favour of Tarquin, appears not to have been formed by young men, as it is represented, but by the younger patrician houses. These younger houses, which are said to have been added to the old nobility by the first Tarquin,[1] appear to have been Etruscans, and to have settled in Rome at the time of the Etruscan conquest. Their union with the older population is the circumstance so often mentioned as an augmentation of the senate and of the knights, and ascribed to Romulus, to Tullus, and to the first Tarquinius.[2] It cannot be doubted that such an increase of the noble houses by the addition of Etruscans took place, and it was these younger houses[3] who took the side of Tarquinius, and were banished with him in great numbers. Thus Rome regained about this time its original nationality; it became again a Latin town. The Etruscan element, which had never penetrated the body of the people, was cast out again, leaving only those few traces behind which, at a later period, kept alive the memory of the Etruscan conquest.

Treatment of the senate by Tarquin.

In the usual narrative the last Tarquinius is charged with having humbled and degraded the senate, banished and murdered many senators, and with having reigned at last

[1] Cicero, *De Rep.*, ii. 20, 35. Livy, i. 35. [2] See above, pp. 12, 38, 54.

[3] 'Patres minorum gentium' are not members of 'lesser' but of 'younger' houses.

without consulting the senate at all. Hence, as it is said, it became necessary for Brutus to nominate a considerable number of new senators for the purpose of restoring the senate to its own functions in the commonwealth. This story cannot be accepted as it stands. It was neither possible nor desirable for a Roman king to reign without a senate. A tyrant like Tarquinius might fill the senate with his adherents, and might avail himself of them for his tyrannical purposes, but it would have been a mad and suicidal policy in him to weaken a body of men whom he could make useful instruments of his policy. If, therefore, the senate was not complete under Tarquinius, the cause of it must have been the absence from it of the representatives of the old Latin nobility. After the revolution, when most of the Etruscan noble families had emigrated, there were again numerous vacancies, which were filled by the nomination of national senators.

The war with the Etruscan cities

The war with the Etruscan cities Tarquinii and Veii, which endeavoured to restore the expelled king by force of arms, need not occupy us long. It is entirely fabulous, as is apparent from the circumstance that the voice of a god proclaimed the Romans as conquerors. But the war would not have been introduced into the narrative, if the insurrection against the Tarquins had not been looked upon as a national struggle of the Latins with the Etruscans.

CHAPTER X.

THE WAR OF PORSENNA.

BOOK I.

THE war of Porsenna belongs to those parts of the history of the Roman kings which were first successfully attacked by modern criticism as unauthentic.[1] The story betrays itself on the first glance as fictitious. The heroic deeds of Horatius Cocles, of Mucius Scævola, and of Clœlia, are indeed not miracles, but are of such a nature that, upon the evidence which we possess of them, we cannot receive them as historical. Moreover, the entire war, in its causes, its whole course, and in its conclusion, as it is commonly represented, appears mysterious and contradictory. Porsenna, the powerful King of the Etruscans, warmly espouses the cause of his expelled countryman and of the kingly power, makes war upon the Romans, but allows himself to be so terrified by the attempt of Mucius Scævola to murder him, that he makes peace, abandons the cause of Tarquinius, and shows himself to the Romans as a most magnanimous enemy.

Difficulties of the narrative.

On the other hand, the report that the Romans had to give hostages to Porsenna, showing that they were conquered, implies a totally different result of the war. Moreover, two statements have been preserved by Pliny[2] and Tacitus,[3] from which we see that, not only was Rome conquered by the Etruscan king, but completely overthrown. So thoroughly were they at the mercy of the conqueror that they were obliged to give up their arms, and were

Contradictory statements as to the results of the war.

[1] See Beaufort, *Dissertation sur l'incertitude de l'histoire des cinq premiers siècles de l'histoire romaine*, 237 ff. Utrecht, 1738.

[2] Pliny, *Hist. Nat.*, xxxiv. 39.

[3] Tacitus, *Hist.*, iii. 72.

allowed the use of iron only for agricultural purposes.[1] We may rest assured that no Roman has invented this story, so injurious to national pride. We certainly cannot assume that the alleged treaty with Porsenna, which contained the hard conditions of subjection, was preserved in any authentic form;[2] but we cannot help believing that the tradition existed of an Etruscan conquest in Rome, and that in the account of the victory of Porsenna we have one of the numerous versions of the dominion of Mezentius over Latium.

Absurdities in the narrative.

If this be the case, it is clear that the war of Porsenna had originally no fixed date in the Roman chronicles, and was introduced arbitrarily and unskilfully into the history of the Tarquins. It is in no way connected with the preceding or with the subsequent attempts of the Tarquins to regain their power. Porsenna appears as a foolish adventurer. From pure magnanimous sympathy with a countryman he undertakes a war, is victorious in it, yet makes no use of his victory, either for himself or for the expelled king. On the other hand, conquered and humbled Rome is able at once to carry on a great war with the Latin confederacy. More than that; Porsenna's son Aruns marches with the Etruscan army from Rome against the Latins, who appear soon afterwards as allies of Tarquinius in his new attempt against the Romans, and he is beaten by them and the Greeks from Cumæ, under Aristodemus, at Aricia.

Time of the war of Porsenna.

If we suppose that the story of an Etruscan conquest, as it is represented in the legends of Mezentius and Porsenna, rests on a real tradition, and points to actual events, then the question arises to what age does it belong? Certainly

[1] Dionysius (v. 35) relates that the Romans sent to Porsenna the insignia of royalty—sceptre, diadem, ivory chair, and purple cloak—which implies that they recognised him as their sovereign.

[2] From Pliny's words it would appear that he believed or pretended that he had seen an authentic copy of the treaty of Porsenna. He says, 'In fœdere, quod expulsis regibus populo Romano dedit Porsenna, *nominatim* comprehensum *invenimus*, ne ferro nisi in agricultura uterentur.' Here is an example which shows what an air of accurate knowledge Roman writers adopt with regard to prehistoric events.

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not to the first period of the republic, with the events of which it can in no way be reconciled. It seems much rather to belong to the period which we can designate as that of the Etruscan dominion, and which preceded the beginning of the republic. If thereby Porsenna is removed to a still darker and more fabulous age, it can hardly be considered an injustice to him; for he appears in various particulars as an entirely mythical personage.[1] It may be a mere accident that the current story places Porsenna in the first years of the republic, and that no contradictory statement has been preserved. But, in like manner, it is related that the Claudian family was received at this time into the Roman state; and by a mere chance we learn from Suetonius[2] that, according to another opinion, their reception took place in the time of Titus Tatius; that is to say, at the commencement of Roman history, almost two centuries and a half earlier.

Whatever we may think of the possible events to which the story of Porsenna refers, thus much is certain, that the common narrative throws no historical light on the first years of the republic, but is entirely incomprehensible and incredible.[3]

[1] The tomb of Porsenna is a building not less befitting a mythical age than the palace of Alcinous in the Odyssey (see Pliny, *Hist. Nat.*, xxxvi. 19). Porsenna is also able to conjure lightning (Pliny, *Hist. Nat.*, ii. 54).

[2] Suetonius, *Tiber.* 1.

[3] Compare the comments on the war with Porsenna in Sir G. C. Lewis' *Credibility of Roman History*, ii. 36–44.

CHAPTER XI.

THE WAR WITH THE LATINS.

CHAP. XI.

THE war with the Latins was celebrated and rendered conspicuous in the oldest annals especially by the battle of the Lake Regillus, with which it ended. The thirty towns of united Latium[1] insisted on placing Tarquin on the throne of Rome. Tusculum was particularly attached to him, for Octavius Mamilius, the son-in-law of Tarquin, reigned in that town. As the Romans would not consent to the demand of the Latins, there arose a great war between Rome and united Latium. In a hard-fought battle at the Lake Regillus,[2] in the neighbourhood of Tusculum, the Latins were completely conquered, and from that time the freedom of Rome was for ever after secure from the Tarquins.

Tarquin and the Latin confederacy.

In the narratives of this war considerable uncertainty in the chronology is discovered by Livy, who honestly confesses it; while Dionysius, in his smooth description, does not allow the reader to guess from what a chaos of conflicting accounts he has taken it. Livy[3] places the battle of Regillus in the year 499 B.C., while by other historians[4] it was placed in the year 496. But what do a few years matter at a time when history is only beginning to get disentangled from legends and myths? We should be contented if apart from the chronology

Chronological difficulties.

[1] Livy, ii. 18: 'Supra belli Sabini metum id quoque accesserat, quod *triginta* iam coniurasse populos, concitante Octavio Mamilio, satis constabat.' Dionysius, v. 61, ὅσοι τοῦ Λατίνων μετεῖχον γένους κοινῇ τὸν κατὰ γῆν 'Ρωμαίων ἀναιροῦνται πόλεμον.—Dionysius, vi. 74, 75.

[2] No traces of this lake are now to be found.

[3] Livy, ii. 21.

[4] Dionysius, vi. 3, and the Fasti Capitolini.

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everything else were authenticated. How much is wanting in this respect will be seen from what follows.

The share of the Latins in the war.

It is singular that this war is not brought into any sort of connection with the other attempts to restore Tarquin to his kingdom. Neither in the war with the towns of Tarquinii and Veii nor in that with Porsenna does it appear that the Latins took any part. They allowed Tarquinius to exhaust all his other resources, and then, when Rome had got rid of her other enemies, they took up arms. If there is any historical truth in this narrative, the Tarquins must have called upon their friends in Latium to unite with their Etruscan allies in fighting against Rome. But is it likely that all Latium, as one man, stood up for the tyrant? The dominion which the Tarquins exercised in Latium was assuredly not milder than their tyranny in Rome. They had subjected the whole of Latium by force of arms. The story of the treacherous conquest of Gabii by the cunning and deceit of Sextus Tarquinius points to the existence of an enmity between the Tarquins and Latium. And is this not expressed in the legend of the siege of Ardea? After the expulsion of the kings, this town is said to have concluded a peace with the Romans for sixteen years; is it likely, supposing all the stories to have been authentic, that this town fought against Rome on the side of the Tarquins? Moreover, there was the town of Præneste, which, like Tusculum, Ardea, and Aricia, was at that time hardly inferior to Rome itself. According to a meagre report preserved by Livy, which by its very meagreness betrays a good annalistic source, Præneste joined the Romans.[1] This town, therefore, did not take the side of

[1] Livy, ii. 19: 'Præneste ab Latinis ad Romanos descivit.' Nevertheless Præneste is mentioned in the list of confederate Latin towns arrayed against Rome (Dionysius, v. 61). The list contains the following names alphabetically arranged: Ardea, Aricia, Bovillæ, Bubentum, Corne, Carventum, Circeii, Corioli, Corbio, Cora, Fortinea, Gabii, Laurentum, Lanuvium, Lavinium, Labicum, Nomentum, Norba, Præneste, Pedum, Querquetulum, Satricum, Scaptia, Setia, Tellenæ, Tibur, Tusculum, Tolerium, Tricrium, Velitræ (see Schwegler, *Röm. Gesch.*, ii. 325. Mommsen, *Röm. Gesch.*, i. 350, note; English transla-

united Latium against Rome. Of Gabii we may suppose the same; for, according to the legend, the Gabines

tion, i. 357). What is the value and the authority of this list? I feel convinced it is of no value and of no authority whatever. 'It is made up at haphazard by some annalist, from names of decayed or still existing Latin towns' (see the Author's *Researches*, p. 53, n. 1). Schwegler arrives at a different conclusion (*Röm. Gesch.*, ii. 322), and thinks, with Niebuhr, that Dionysius took his list from the document containing the treaty of alliance between Rome and Latium of the year 493 B.C. This treaty, concluded by Sp. Cassius, was of the greatest importance, and formed the basis of the relations between Rome and Latium down to the great Latin war 338 B.C. The original document containing it was supposed to be in existence in Rome even at the time of Cicero. It was engraved on a bronze column behind the Rostra in the Forum. Cicero could still remember it, but when he wrote it was gone (Cicero, *Pro Balbo*, 23, 53: 'Cum Latinis omnibus fœdus ictum, Sp. Cassio, Postumio Cominio consulibus, quod quidem *nuper* in columna ahenea meminimus post rostra incisum et perscriptum fuisse'). Livy, therefore, could not have seen it, though he expresses himself as if the original document on the bronze pillar were still in existence at his time (Livy, ii. 33). The antiquarian, Verrius Flaccus, quotes obsolete words which occurred in this treaty (Festus s. v. nancitor). There can, therefore, be no doubt that there existed in Cicero's time a document, which was supposed to be the treaty concluded between Rome and Latium in 493 B.C. under the auspices of Sp. Cassius. Nevertheless, it is very questionable if this document was genuine. In the first place it is not likely that a bronze pillar in the Forum should have escaped the cupidity of the Gauls in 390 B.C. Then the inscription on the pillar, as we see from Festus (s. v. nancitor) contained legal matter, such as could hardly be incorporated in an international treaty many years before the Roman civil law was first committed to writing in the legislation of the decemvirs. It is probable, therefore, that the treaty inscribed on the bronze pillar was not the original one of 493 B.C., but that of 358 B.C., by which the old treaty of Sp. Cassius was renewed (Livy, vii. 12: 'Pax Latinis petentibus data et magna vis militum ex fœdere vetusto, quod multis intermiserat annis, accepta. See below, book iii. chap. i.) Yet, even if this conjecture should be erroneous, and if the original of the treaty of 493 B.C. should have been extant in later times, it is nevertheless certain that Dionysius could not have taken from it the list of the thirty Latin cities. If he had done so, he would not have failed to name his source, and, moreover, he would have given the list in the proper place, where he relates the conclusion of the treaty (vi. 95), and not where he enumerates the towns leagued against Rome (v. 61). In addition to this, if the inscription on the pillar contained the names of the Latin towns, it assuredly did not give them in alphabetical order, as Dionysius names them. It was not customary in antiquity to avoid disputes of precedence by having recourse to the alphabet, as modern diplomacy does. Thus in a fragmentary document preserved by Cato (Priscian, iv. 4, 21, p. 629; and vii. 12, 60, p. 762 ed. Putsch), the following towns are mentioned as members of a league that met in the grove of Aricia: Tusculum, Aricia, Lanuvium, Laurentum, Cora, Tibur, Pometia, Ardea. If, however, from some unexplained motive, the alphabetic order should have been preferred for the list of the thirty confederate Latin towns of 493 B.C., how could it happen, that an

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avenged the treachery of Sextus, by killing him soon after the expulsion of his family from Rome.[1]

In Lavinium there lived, according to the legend, Collatinus, the colleague of Brutus, after he had voluntarily resigned his office, and had left Rome. This town also must, therefore, be supposed to have been friendly to Rome. And if we had more accurate reports of the events of this time, we should probably find that many other Latin towns were united with Rome in the struggle for national independence and political liberty. It is due only to the national vanity[2] of the Roman annalists, that the whole of Latium is mentioned as hostile, whereas perhaps only a few towns opposed, and the majority supported, Rome. In some towns, indeed, it may be that a strong Tarquinian party was in favour of a war against Rome. This may especially be supposed of Tusculum, a town in the hands of Tarquin's son-in-law, Octavius Mamilius.[3] The same can easily be believed of Fidenæ, for it was perhaps more Etruscan than any other town on the left bank of the Tiber. With others other motives may have operated. We cannot guess the detail of these events, but from a few traces that are preserved it appears clear that the war cannot be considered as one between Rome and united Latium. On the contrary, it seems that the dominion of the Tarquins was detested, not only in Rome, but everywhere in Latium, on account of its despotism, and from national hostility; that rebellion took place, as for instance, in Ardea, and that at last, in a great decisive battle, the national element of the Latins[4] and the aristocratic republic gained the victory over the Etruscan

alphabet was taken which was not introduced in Rome till more than 200 years later (see Mommsen, *Röm. Gesch.*, i. 350; English translation, i. 357). There is, it seems, no alternative but to reject the list of Dionysius as spurious.

[1] Livy, i. 60.

[2] We shall often have occasion to refer to this trait of the Roman historians.

[3] Cicero speaks of the Latin war as a war with Octavius Mamilius of Tusculum (*Ad Atticum*, ix. 10, *De Natura Deor.*, ii. 2).

[4] The monarchical government seems to have been superseded by the republican in Latium sooner than in Rome.—Schwegler, *Röm. Gesch.*, ii. 70.

monarchy. Let us try to discover what gave the first impulse to this movement.

Origin of the movement.

In the period of the fall of Tarquin, as far as we can trust the uncertain chronology, Aristodemus was Tyrant of Cumæ. Of him Dionysius relates a long story, how he possessed himself of power, killed the nobles, expelled their sons from the town, but fell at last a victim to their revenge. This Aristodemus is said to have driven back a powerful army of Umbrians, Daunians, and Tyrrhenians, who marched against Cumæ; afterwards he went to assist the Latins against the Etruscans, who, under Aruns, the reputed son of Porsenna, besieged Aricia. Here Aristodemus, with his allies, gained a victory over the Etruscans. At last, Aristodemus supported the Romans against the Etruscans, who wished to restore the expelled Tarquins.[1]

The Etruscans and the Greek colonies.

These statements suggest the conclusion that the Etruscans, after the conquest of Rome and Latium, advancing southward, came in contact with the towns of Campania, especially with Cumæ. Repulsed here, they began to lose their hold on Latium. Several towns, such as Ardea and Aricia,[2] rebelled. Then Rome rose against them. Præneste and other towns joined the party which opposed the Etruscan kings, perhaps more from national than political enmity. In the war which arose, the towns of Etruria proper seem to have taken no part; the Latins were divided and stood on both sides. In the battle of Regillus the victory was decided in favour of Roman and Latin independence. It was not a victory of the Romans over Latium. Consequently when, a few years later (493 B.C.), a league was concluded with the Latins under the consul Sp. Cassius, the Latins were treated as an independent nation. The Romans were satisfied with having again obtained their independence by the help of the Latins, and they made no attempt to regard

[1] Plutarch, *De Virt. Mulièbr.*, 361. According to Livy (ii. 9), the Romans, on the approach of Porsenna, sent to Cumæ for corn. The legend therefore represented Cumæ as friendly to Rome.

[2] Livy, i. 50.

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themselves as the heirs of the power of the Tarquins over Latium.

Miraculous element in the narrative.

As for the detail in the narrative of this war, it is full of miracles and poetry, as may be expected at this period. The description of the battle of Lake Regillus reminds us of Homer's battle-scenes.[1] The armies fight, but the leaders decide the battle. It is a succession of single combats in which the heroes of that period perished. The old King Tarquin fought and fell.[2] Even the gods took part in the battle: Castor and Pollux stormed the enemy's camp, and appeared in Rome as the first messengers announcing the victory. A horse's footprint in stone testified in later times to their presence in the battle.

[1] Livy, ii. 19, 20.

[2] Dionysius (vi. 11) found, upon calculation, that King Tarquin must have been nearly ninety years of age at the time of the battle of Regillus. He thought it unlikely that so old a man should fight hand-to-hand in a pitched battle. Therefore he substituted a son, Titus Tarquinius, who is a creature of Dionysius' imagination.

CHAPTER XII.

THE SABINE WAR.

CHAP. XII.

We have not yet done with the wars, which, in the beginning of the republic follow one upon another with marvellous rapidity. According to the received chronology, the Latin war which we have just referred to was preceded by a dangerous war with the Sabines, which lasted from the year 505 to 501 B.C. Dionysius and Plutarch[1] give detailed accounts of this war, full of vivid descriptions of marches, stratagems, battles, victories, and triumphs. Livy mentions it in few words,[2] and Zonaras[3] appears to give it the place of the war with the Latins, which he entirely passes over. The war will find but little mercy at the hands of historical criticism.

Different versions of the Sabine war.

It is at the very outset surprising that this war, although coming between that of Porsenna and that of the Latins, appears unconnected with the exertions of the Tarquins to regain their power in Rome. The shrewd Dionysius alone has endeavoured to remove this objection, by making Sextus Tarquinius take part in it. But in the older unsophisticated account this war has no connexion with the Tarquinians. The Sabines harass Rome for four years; Tarquinius waits until they are defeated, and then he makes his attack upon Rome in conjunction with the Latins. This is clearly most improbable. The whole story is not, however, to be condemned on account of a chronological error. If we could save the war by placing it *after* the war with the Latins instead of *before* it, we

The war unconnected with the Tarquinii.

[1] Dionysius, v. 37 ff. Plutarch, *Poplicola*, 20.
[2] Livy, ii. 16.
[3] Zonaras, vii. 13.

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should be satisfied. But even with such a transposition very little is gained. The foul spot is in the subject-matter itself, and cannot be removed by transposing the war to another place.

The Valerii.

The descriptions of the war connect it especially with the name of the Valerian house. In the first campaign (505 B.C.) the Consul M. Valerius, the brother of Poplicola, beats the Sabines in two great battles; in the second of these the Sabines lose 13,000 men, but the Romans not *one* man.[1] In the following year (504 B.C.) the same story is repeated, with this difference, that instead of M. Valerius, his brother, the principal hero of the Valerian house, P. Valerius Poplicola, is mentioned as consul and conqueror over the Sabines. This time also, according to Dionysius,[2] 13,000 Sabines are killed; but Dionysius is too shrewd a writer to discredit his report by adding that the Romans lost not a *single* man. He is silent about this, and, to make his report more plausible, he adds the number of 4,200 prisoners.[3]

Repetitions of the story.

It might be supposed that, after such defeats, the Sabines must have been reduced to submission. But it is not so. The war begins afresh in the following year, and the indefatigable Dionysius relates new victories and triumphs.[4] It was only in the fourth year of the war (502 B.C.) that peace was concluded, after the Sabines had been again signally beaten, and had again lost 13,000 men in battle, and about 4,000 prisoners.[5]

No historical element in the tradition.

What is to be thought of the whole of this war? Can any historical foundation be brought to light by removing all exaggerations, or have we to deal with a simple fiction?

[1] Zonaras, vii. 13. Plutarch, *Popl.*, 20.

[2] Dionysius, v. 42. In a subsequent war with the Æquians again 13,470 enemies are killed.—Livy, iii. 8.

[3] These 4,200 prisoners make up exactly one legion. The 13,000 killed are about three legions. Consequently, on the plausible assumption that the Sabine force consisted of four legions, their whole army would have been annihilated, agreeably to Zonaras (vii. 13), who says that Poplicola *μικροῦ πάντας ἀπώλεσε*.

[4] Dionysius, v. 44.

[5] Dionysius, v. 49.

CHAP. XII.

Niebuhr[1] remarks, in reference to the early Sabine wars (before Tarquinius Priscus), that it is difficult to see how Romans and Sabines could get into collision, so long as independent towns, like Tusculum and Nomentum, separated both nations. With this opinion we must agree, if we limit the name of Sabines to the inhabitants of the highlands on the east side of the mountain range stretching from Tibur to Narnia. Yet in the lowlands also, between this chain of hills and Rome, there were Sabines[2] who had invaded this country, and had established themselves in Rome itself. Nomentum, Cures, Collatia, Cænina, Crustumerium, and Antemnæ are mentioned as Sabine towns. Fidenæ seems to have been Sabine and Etruscan at different times. Dionysius names the Anio as the boundary between the Sabines and the Romans.[3] But even south-west of the Anio, the town Regillum, in the region of Tusculum, was called Sabine, and that Sabines lived there follows from a passage in Dionysius,[4] where he relates that the Æquians had to march to Rome through the country of Tusculum and that of the Sabines.

Extent of Sabine settlements.

The fact that we find Sabines in the very heart of Latium agrees with the view already expressed,[5] that the Sabines in the oldest time overran Latium and settled there. In course of time the Sabines and Latins in Latium became one people, and for a time the name of Latins was just as appropriate to designate them as that of Sabines. In the oldest sources referring to the intercourse of the Romans with their easterly and southerly neighbours, there was an uncertainty in the name which was applied to the latter; they were sometimes called Latins, and sometimes Sabines. This is evident from the story of the temple of Diana, which was built by Servius Tullius on the Aventine as a common sanctuary of the Romans and Latins. At that time it came to pass that a

[1] Niebuhr, *Röm. Gesch.*, i. note 887; English translation, i. 353.
[2] See Arnold, *Hist. of Rome*, i. 128.
[3] Dionysius, v. 37.
[4] Dionysius, ix. 68.
[5] See p. 21.

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certain Sabine[1] had a cow of unusual size, and the soothsayers predicted that whoever sacrificed this cow to Diana would secure the supremacy to his nation. The Sabine brought the cow to Rome to the common sanctuary of the Romans and Latins on the Aventine, but was outwitted by the Roman priest, who sent him down to the Tiber for purification, and in his absence offered up the cow in the name of Rome. In this story the Sabines and the Latins are evidently looked upon as the same nation.[2] We cannot, therefore, be surprised that Sabine towns, like Nomentum, were reckoned among the thirty allied Latin towns,[3] and that Collatia is called Sabine as well as Latin.[4] We conclude from this uncertainty in the designation of the neighbouring people, that a Latin war could easily be called a war with the Sabines. But if once the words 'Sabine war' were uttered, descriptions of battles and triumphs would follow as a matter of course. We arrive at the same result if we pursue another line of argument.

Identity of the several wars.

The Latin war was especially famous on account of the battle of the Lake Regillus under the dictatorship of Aulus Postumius Albus Regillensis. The names Regillum and Regillensis were, therefore, intimately connected in the memory of this war. The people of Regillum were Sabines. They were the bitter enemies of Rome, and before the beginning of the war they expelled the house of Claudius which counselled peace with Rome, and, therefore, emigrated to that city. The stories of both these wars, therefore, have reference to the same locality. Still clearer proof of the identity of the two wars is contained in the name of the Roman general, who is said to have conquered the Sabines as well as the Latins, as consul or dictator. This was Postumius, called at one time Aulus, at another Publius, and sur-

[1] Livy, i. 45.

[2] To make the story intelligible, it has been supposed that the Sabines also had a share in the sanctuary of Diana along with the Romans and the Latins. —Arnold, *Hist. of Rome*, i. 129.

[3] Dionysius, v. 61. See above, p. 96. [4] Servius, ad Virg. *Æn.*, vi. 774.

named either Albus Regillensis or Tubertus. The best known and the most celebrated name for the conqueror in the battle of Regillus was A. Postumius Albus Regillensis. But the first and third of the before-mentioned campaigns against the Sabines (505 and 503 B.C.) are also ascribed to a Postumius who was called P. Postumius Tubertus. In addition to this we find that in the year 495 B.C., immediately after the battle of Regillus, under the consuls Appius Claudius Sabinus, and P. Servilius Priscus, there occurs another Sabine war, although in the year 502 peace had been concluded. The war is, indeed, represented as nothing more than a night attack of the Sabines on the Roman territory, which was quickly repulsed.[1] Yet its identity with the great Latin war is perceptible; for it is not one of the two consuls for the year, but Postumius again, who beats the enemy, though in this year he held no public office. Can there be any doubt that the P. Postumius of 503, and the A. Postumius of 496[2] and 495 are one and the same person, and that the victories ascribed to them are repetitions of the same fact?

The defeat of the Latins at Lake Regillus was followed in 493 B.C. by the conclusion of the treaty which joined Latium and Rome as allies, enjoying equal rights. We have already seen that this equality of the two nations is a proof that Latium was not subjected to Rome, but that Latins and Romans united together to free themselves from the Etruscan dominion. Now the man who in the Roman annals was celebrated for the conclusion of this treaty was the consul Sp. Cassius Viscellinus. How strange that the same man is said to have concluded the peace with the Sabines in the year 503![3]

The treaty with the Latins.

What we have said of the improbability of a collision

Narratives

[1] Livy, ii. 26.

[2] According to Livy (ii. 19) of 499; for the date of the battle of Regillus was uncertain.

[3] Dionysius, v. 49. The conclusion of the treaty of peace must, according to Roman notions, be preceded by a victory, and if possible by a triumph; accordingly both are ascribed to Sp. Cassius, with reference to the Sabines.

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of the Romans and the Sabines proper, in the first period of the republic, is applicable to the whole of the first century, that is up to the time when the territory of Rome extended to Cures. All the Sabine wars of that early period are exposed to the suspicion that they were received into the annals by the same process as the first Sabine war, viz., by confounding Sabines with Latins, or even Æquians, a kindred and neighbouring race. This suspicion is confirmed by the observation, that Sabine wars are mentioned especially in those years when members of the great Valerian house were magistrates, as, besides the years 505 and 504, a member of this family is named in the Fasti, in the years 475,[1] 470,[2] 460,[3] 458,[4] and 449;[5] and again in the attack on the Capitol, when it was seized by the Sabine Appius Herdonius in the year 460, a Valerius is said to have been slain.[6] On the other hand, after the consulate of L. Valerius and M. Horatius, 449 B.C. a whole century passes without mention being made of Sabine wars. Niebuhr[7] concluded from this circumstance that in the year 449 B.C. the Sabines suffered such a complete overthrow that their strength was for ever broken. But, by a curious coincidence, no member of the Valerian house is mentioned in the Fasti from 449 to 414. Is not the conjecture justified that the absence of Valerii in the Fasti is the real cause of the absence of the Sabine wars; that the domestic records of the Valerian house were the principal, if not the only, source of the stories of these wars; that the author of the family document was in the habit of using the designation Sabine, instead of Latin or Æquian; and that after the great break in the domestic annals (from 449 to 414) another writer continued the family records, and avoided the error of his predecessor?

arising from confusion of names.

Family chronicles.

If this conjecture is well founded, it suggests a conclusion, with reference to the age of the Roman family chronicles, viz., that, in the Valerian house, such writings were

[1] Livy, ii. 53. [2] Livy, ii. 62. [3] Livy, iii. 15.
[4] Livy, iii. 25. [5] Livy, iii. 38, 57. [6] Livy, iii. 19. Dionysius, x. 17.
[7] Niebuhr, *History of Rome*, ii. 502.

in existence before 414 B.C. At what period these documents originated, it is impossible to ascertain, but probably they were not much younger than the decemviral legislation, when the last of the Valerii mentioned in them was consul. If we take this time as the date of the composition of these annals, the contradictions and uncertainties of the statements referring to the earlier Valerii are accounted for. Half a century could not elapse without obscuring the memory of events to an extent which favoured the exaggerating fictions and excused the confusion of the family annalists.[1]

[1] The domestic annals of the Valerii seem to have contained special reference to the office of quæstor. Under Valerius Poplicola the quæstorship is said to have been established. These quæstors were not treasurers, but public prosecutors. (See the Author's *Researches*, p. 75. Schwegler, *Röm. Gesch.*, ii. 131 ff.) The quæstors who acted as prosecutors of Sp. Cassius (485 B.C. Livy, ii. 41) and of M. Volscius (458 B.C., Livy, iii. 25) were Valerii. One of the first quæstors of the treasury (447 B.C., Tacitus, *Annal.*, xi. 22) was a Valerius, and these quæstors were elected in consequence of the leges Valeriæ Horatiæ, after the downfall of the decemvirs.

CHAPTER XIII.

THE ROMAN PEOPLE IN THE TIME OF THE KINGS.

BOOK I.

General character of the regal history.

HITHERTO the result of our researches has been almost exclusively negative. We have seen that the so-called History of the Kings is neither in itself credible nor supported by such evidence as to make us believe statements which in themselves are improbable. It rests neither on authentic records nor on real tradition, but it was put together at a comparatively late period, according to a certain artificial design. It consists mainly in attempts to explain, in a connected historical narrative, the origin of political institutions, religious and social customs, the names of places and buildings, and generally the vague conceptions of the people concerning their own antiquities. Hence the great poverty and baldness of these stories, and, in spite of many contradictory statements, a general harmony of the narrative, which gives rise to the suspicion that the whole was worked out according to a uniform plan and design.[1] The History of the Kings is therefore entirely worthless, in so far as it lays claim to be an account of a gradual development, and to relate events in their regular succession and connection. The whole of the regal period is to us only the given point of departure for the development of the republic, and we must be satisfied if we succeed in gaining out of the scanty materials a picture

[1] This uniformity is perhaps due to the pontifices, who were naturally the first to feel the desirability of a continuous history from the foundation of the city at a time when they were in the habit of recording, year by year, the events that struck them as important. A body of priests like the pontifices was well calculated to work out a uniform legendary history, and to obtain credence for it from the people.

of the political life, the social condition, and the religious views and culture of the Romans in this early period which precedes the beginning of real history.

Prehistoric development of the Roman people.

When the Romans first appear on the stage of history as a separate people, they had passed through a long period of national development, along with kindred races, and the groundwork of their religious, legal, and social life was already formed. A division of the people into a ruling and a subordinate class may be traced to the very beginning, and points indisputably to a conquest of the lands, and to the subjection of the former inhabitants, an event which had been preserved in the recollection of the people, and gave rise to the stories of the advance of the Sabines to the Capitol and of the conquest of Latium by the Etruscans.

Divisions of the people.

Thus there arose the contrast between citizens and subjects, Patricians and Plebeians. The body of the plebeians, again, consisted of two classes. They were either clients, *i.e.* dependants of patrician houses, or they had no such special connexion with individual patricians, and were subject only to the body of patricians as a whole, *i.e.* to the Roman state. It was the latter class which, being free from all special subjection to patrician patrons, formed the body of the independent plebs, and carried on the contest for political equality with the privileged order of citizens.[1]

Treatment of conquered peoples.

We find similar arrangements among different peoples of antiquity. Where a state was founded by conquest (and this was the general rule), the aboriginal inhabitants were reduced to a state of dependence on the conquerors, which in some places, as for instance in Sparta, was a complete servitude, but under more favourable circumstances was a more or less oppressive political inferiority.[2] The most usual plan was, that the subject population resigned a part of their lands, and kept the rest only under certain onerous conditions. These conditions were principally services to

[1] Niebuhr's view on the origin of the plebs. See above, p. 46 ff.

[2] See Wachsmuth, *Hellenische Alterthumskunde*, cap. xlvi.

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be rendered and portions of the produce of the land to be paid. From this obligation to pay arose the debts of the subject population and the oppression under which they languished at all times.[1] The lords of the soil were always exerting themselves to increase the services to be rendered by the clients, which in all cases were fixed either by contract or by custom.[2] Thus arose the inability of the clients to pay, and their gradual eviction from their inherited and original landed property, the absorption of small freeholds, a corresponding enlargement of estates in the hands of the ruling body, and a more general employment of slaves in agriculture.

Relations of patrons and clients.

The Roman clients, according to the ideal conception, described by Dionysius,[3] were supposed to be united to their patrons by bonds of mutual affection and trust, and to regard them as their natural protectors, as sons regard their fathers. They were placed under the paternal authority of the head of the family, but also under his protection. They formed with the whole family a distinct community on a small scale, represented in the larger community of the state by the patron. The state as such did not interfere with the relations of the client to his patron. On this score, therefore, the client was without any protection from the law, and exposed to any act of injustice, as he had no legal redress against his master. But his claim to mild and equitable treatment was acknowledged by the religion of the community, which threatened the unjust masters with the vengeance of the gods.[4] What such protection of the gods could effect, it

[1] The words *client* and *debtor* are almost synonymous. Cæsar (*Bell. Gall.*, i. 4) refers to this state of things as existing in his own time. 'Orgetorix ad iudicium omnem suam familiam, ad hominum milia decem, undique coëgit et *omnes clientes obæratosque* suos, quorum magnum numerum habebat, eodem conduxit.'

[2] Even among the Spartans the Helots paid only a fixed contribution. The masters who exacted more were threatened with the wrath of the gods (see Plutarch, *Inst. Lac.*, 41). In Germany the serf peasantry paid 'frumenti modum aut pecoris.'—Tacit. *Germ.*, 25.

[3] Dionysius, ii. 10.

[4] Servius, ad Virgil. *Æn.*, vi. 609. 'Patronus si clienti fraudem fecerit, sacer esto.'

is hard to say. The treatment of the client depended, no doubt, less on the generosity, the equity, or the religious scruples of the masters, than on their interest, on custom, and public opinion. It is unlikely that the protection of religion could preserve them effectually from oppression and injustice. The abuse of irresponsible power is too deeply rooted in human nature to make it probable that the Roman patricians conscientiously observed a self-imposed moderation, merely from a feeling of justice and religious duty. The history of Rome is full of proofs to the contrary, and shows that the patricians were not guided by such moderation, and that a sense of justice never controlled their selfishness.

Gradual weakening of these relations.

Even during the regal period, as it seems, the ties that united clients and patrons began to be loosened. The first impulse towards this change was given by the organisation of the army according to centuries, which subjected the clients to military service without reference to their dependence on their patrons. Subsequently, when, by the establishment of the tribunes of the people, the plebs collectively obtained patrons recognised by the state, the institution of the old clientship began by degrees to disappear, and to sink into oblivion, so that even our oldest historians could obtain no clear conception of it.[1]

Slavery.

It appears that slavery, the greatest curse of antiquity, had reached no great development in ancient Rome, as long as the clients were to some extent the substitutes for slaves. It was only after the successful wars with Etruscans, Volscians, and Samnites, in which numerous prisoners were made, that slavery became more and more common in Rome, while at the same time the old clientship disappeared. We may take for granted that, during the regal period, the number of slaves in Rome was very inconsiderable.

The Patricians

The Roman people, properly so called, consisted at the

[1] The position in which, at a later period, freedmen stood with regard to their former masters is indeed analogous to the old clientela, but differs entirely from it politically.

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time of the kings, of patrician houses. The patricians alone were citizens in the enjoyment of all political rights. They alone had access to the gods of the Roman state. They alone were in possession of the auspices, by means of which the intercourse between gods and men was effected. They were invested with a peculiar sanctity and dignity, which could not be communicated to strangers, but was transmitted only to natural-descendants. Purity of blood was, therefore, above all things important, and inter-marriages with plebeians were not only degrading but sinful.

or Populus.

Tribes, houses, and families.

The patrician people were divided into tribes (*tribus*), houses (*gentes*), and families (*familiæ*), and each of these divisions was consecrated by religious rites, and had its peculiar sanctuaries. In the Roman family the father of the house ruled with patriarchal authority over his wife and children, his clients and his slaves.[1] Even a grown-up and married son, with his whole family, was subject to his father, as long as he lived; and no position in the state, no public office and no dignity, could modify the subjection of a member of the family to the common head. The father was priest and judge in his own house, with power of life and death. All the earnings of the members of the family belonged by law to the head. This dependence was dissolved only by death, and then the sons became independent heads of families. Every Roman woman was, either as wife, or daughter, or sister, in the power of her nearest male relative. Marriage was held sacred. Polygamy was unknown. A strictly regulated family was the foundation of a healthy political life. The virgin and the matron enjoyed proper respect. They were subject to the father and the husband, but as free agents, not as slaves. The wife was priestess by the side of the husband, and at the domestic hearth, which was also the family altar, attended to the service of the Penates, the household gods. In the temple of Vesta, which symbolised the common hearth of the whole people, pure virgins watched the eternal flame.

[1] The family discipline was the same among patricians and plebeians.

The Roman state was built up on the moral and severe organisation of the family. Several families, united together, joined themselves into one House (*gens*),[1] on the ground of real or supposed relationship. The house represented a higher unit than the family, less strictly bound together, and without a monarchical head, but the members were united by common sanctuaries and rights of inheritance, and marked as relations[2] by a common family name (*nomen gentile*). In this manner arose a family pride which was quite distinct from the national pride. Not only had the Valerii, Claudii, Fabii, and Furii their own sanctuaries, legends, and traditionary politics, but even the way of thinking and the character of a Roman seemed differently coloured according to the house to which he belonged.

The gentes.

A certain number[3] of houses joined together formed a Curia. Thirty of these curiæ made up the whole people of the patricians. The curia again was regarded as an enlarged family; the members of each, the Curiales, met, at stated times, for common festivals and sacrifices, for which purpose priests were appointed at the sanctuary of Juno Curitis. Of any political functions of the curiæ there is, however, nothing known. The thirty curiæ formed collectively the body of the Roman people, and this

The curiæ.

[1] There is no word in the *English* language which satisfactorily renders the Latin word *gens*. The term *clan* is apt to mislead; for the Scotch Highland clans were very different from the Roman *gentes*. The word *House* is not quite correct, for it always implies relationship, which was not essential in the *gens*; but, for want of a better word we shall use *House* to express *gens*, except where the spirit of the language rejects the term and requires *family* instead. The German language has in the word *Geschlecht* an almost equivalent term for the Latin *gens*.

[2] Blood relationship was supposed to exist among the members of a *gens*, the 'Gentiles,' but was as often assumed as real.—See Niebuhr, *Röm. Gesch.*, i. 792, note; English translation, i. 306. Schwegler, *Röm. Gesch.*, i. 612.

[3] How many gentes went to form a curia, we do not know. We cannot in the least rely on the statement of Dionysius (ii. 7) that originally each curia contained ten gentes, the thirty curiæ, therefore, three hundred. Some of the institutions of the primeval period perished with the monarchy, or survived only in a modified form, losing their original significance and importance. To these belongs the strict arrangement of houses, curiæ, and tribes, as also the clientship.

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assembly decided on all matters which did not belong to the current business of the executive, especially on the election of the sovereigns, and questions of peace and war; it was the legislative body, and at the same time the supreme court of justice.

Position of the subject population.

The subject population was not entitled to vote in the assembly of the curiæ.[1] But it is possible, and indeed probable, that, during formal business and religious ceremonies, those plebeians who were clients were admitted by their patrons, and that on the whole they were not shut out from a certain passive presence in the assemblies. They were in a similar position to those Latins, and other foreigners, who were received in considerable numbers into the Roman state after the great Latin war. They were citizens without the right of voting;[2] they shared the burdens, but not the honours and privileges, of the patricians, with whom they did not really form one people, until they were enrolled into the centuries of Servius Tullius.

The tribes.

By a further union of ten curiæ into one body was formed a tribe. There were consequently three tribes—the Ramnes, the Tities, and the Luceres—whose almost forgotten names sounded strange in the ears of the later Romans, and were as unconnected with the existing political divisions and institutions of later times as the kingdoms of Mercia, Northumberland, and Wessex are with the England of our days. The Roman antiquarians knew nothing of their origin and practical working in the state, nor have modern critics arrived at a satisfactory theory. Probably the divisions had reference only to the army. Originally the Roman legion is said to have consisted of 3,000 foot and 300 horse. This made 1,000 foot soldiers for each tribe and 100 horse. The military tribunes, six in number in each legion, appear from their names to have been officers of the tribe. The eighteen centuries of horse—being the six original

[1] The complete proof is given by Schwegler, *Röm. Gesch.*, i. 620 ff.

[2] Cives sine suffragio.

centuries (*sex suffragia*) and twelve younger ones—appear to have been formed out of the three tribes, so that it may be presumed that the division of the Roman people into three parts had reference to the military organisation. The oldest popular assembly of the Romans therefore, as well as the later one of the centuries, had for its basis the organisation, into an army, of the men capable of bearing arms.[1]

The senate.

No state of Greece or of Italy could dispense with a select council of elders, which, on account of the unwieldy character of large popular assemblies, was in reality called upon to conduct the government. The Roman senate consisted, as alleged, in the regal period, of three hundred members. These, the real, if not the acknowledged, representatives of the people, the heads of the first families, and therefore appropriately called *Patres*, *i.e.* Fathers, were chosen by the king for life, and exercised no doubt a decided influence on his policy.

The senate during the regal period.

In the time of the republic the senate was the centre of political life. In the regal period its power was probably less, considering that the executive was in the hands not of annually-changing magistrates like the consuls, but of princes elected for life. Unimportant, however, it could not have been, as the crown was not hereditary, and the choice of each new king lay *de facto* in the hands of the senate.[2]

The kingly office.

In the absence of trustworthy traditions regarding the regal period, it is not possible to form a clear view of the position and functions of the kings. It may, however, be assumed with certainty, that, at the time of the establishment of the republic, the kingly power continued in the consulship, and was only lessened by being divided

[1] In the time of the republic the assembly of curiæ was antiquated and was preserved merely for the transaction of formal business, especially of a religious character. Yet it retained a very material right, that of conferring on the consuls by the *lex curiata de imperio* the chief military and judicial power. This is explained by the circumstance that the curiæ originally were the assembly of the armed people, in fact the Roman army.

[2] On the *Interreges*, see p. 28, and Schwegler, *Röm. Gesch.*, i. 656 ff.

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between two colleagues, and by the limitation of the office to one year. This diminution, however, was very important. The king, who had neither to apprehend any interference from a colleague, nor to look forward to the time when he would be obliged to retire into private life and give an account of his acts, stood invested with a power which placed all the resources of the people at his disposal, if he understood how to make their interests his own. Still we must not think of him as of an Asiatic despot, placed by the slavish submission of his subjects above the control of all law, or as a Greek tyrant, trampling on the established liberties of his country, and ruling by sheer force and violence in defiance of law and justice. Both these forms of absolute power were made impossible in Rome by the strictly legal mode of electing the sovereign, which excluded hereditary right on the one side and arbitrary assumption of it on the other. The Roman kings were placed under the authority of the laws, and were bound by the terms of a contract with their people, which, if not formally expressed in words, was fully implied and understood. The consent of the gods to the election of a king, given in the solemn auspices, the voluntary homage on the part of the citizens (the *lex curiata de imperio*), the obedience of the citizen-army, were given to the king only on condition that he did not abuse the power intrusted to him. Moreover, an aristocracy like that of the Roman patricians was incompatible with unlimited kingly power. The Romans were formed by nature to be governed not by arbitrary will, but by laws. For their guidance in all the incidents of social and political life they elaborated legal maxims and enforced them on all contracting parties; nay, even their intercourse with the gods was not an unconditional service, no simple subjection, but a performance of certain services on the part of men for which a corresponding service on the part of the gods was claimed as a right. Accordingly, it must be presumed, even without direct evidence, that the Roman kings had to rule according to law and justice, and not by

arbitrary will.[1] As high priests they were mediators between the gods and men, just as every father of a family was in his own house; as judges they decided on important cases of dispute and breaches of the peace, either personally or by deputies, according to unwritten but fixed principles of law; as commanders of the armed citizens, they conducted the wars, which had been previously discussed by the elders and determined on by the people.

Legislative powers of the kings.

As a sign of their supreme military and judicial power over life and death, the Roman kings had a retinue of lictors with bundles of rods and axes, and in every respect they exhibited royal pomp before the people. Much has been said respecting the personal legislation of the kings: how Romulus organised the state, how Numa established the religion and introduced other parts of public law; but none of these reports are borne out by satisfactory evidence. They were invented to account for the origin of institutions, and cannot prove that new principles of public or private law could be introduced by the kings without the consent of the senate and the people.

Working of the Roman religion.

Perhaps the most important limitation of the kingly power was exercised through the forms which religion supplied to the ruling aristocracy. Without the divine sanction no important act could be undertaken in private life. It was, of course, still more important for all public measures to obtain the divine consent. But the access to the gods through the auguries was open to the body of patricians. The possession of the auspices was their birthright; it was, for political purposes, exercised in their behalf by priests and augurs, who were members of their body, and chosen for life as well as the kings. It would, therefore, have been no easy matter for a Roman king to emancipate himself from the restraints which the patricians were able to put upon him through the national religion.

Character of the Roman religion.

The Romans were an eminently religious people. Their minds were penetrated by religious feelings, and their con-

[1] On Rubino's views of a theocratic absolutism of the Roman kings see Schwegler, *Röm. Gesch.*, i. 649 ff.

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sciences bound up in religious duties. This was indicated by the name itself, for *religio* meant spiritual bondage; it implied pangs of conscience and terror of the divine wrath. It exhibited itself in a conscientious attention to all observances prescribed in the service of the gods, in the right interpretation of the divine will as revealed by extraordinary natural phenomena, in the offerings, supplications, prayers, and purifications which the priests prescribed. The Romans saw everywhere, and in all things, the agency and direction of the gods. The whole of nature was to them pervaded by divine power. The heavens, the earth, the water—all things swarmed with divine beings. Every change in nature—growth, decay, and death—was the work of some deity. Wherever man turned, whatever he undertook, he was everywhere controlled by the Deity, in the whole course of his life, from the cradle to the grave.

Roman ideas of the gods.

But the Romans had only an abstract conception of the Deity; they did not see it revealed in a form palpable to the senses, and within reach of human sympathies. To them the gods were only mysterious spiritual beings without human forms, without human feelings and impulses, without human virtues or weaknesses. They emerged from the all-surrounding and all-pervading spiritual world to influence human life, like the unfeeling elements of nature; and before the eye of man had caught their form, and the heart had drawn near to them, they retired from sight and contact, to merge in the godhead of the universe, like a wave in the ocean.

The Roman religion not mythological.

Roman religion, therefore, has gods, but no mythology. Though the divine beings were conceived as male or female, they did not join in marriage or beget children. They did not live together like the Greek gods in Olympus, after the manner of men; they had no intercourse with mortals. No genuine Roman legend tells of any race of nobles sprung from the gods; no oracle uttered a divine revelation by the mouth of inspired prophets. For the inspiration of prophecy was substituted the dry formal

science of augury, which aims at nothing but the discovery of the simple assent or dissent of the gods, by means of the anxious observation and almost mechanical interpretation of a strictly defined set of phenomena, and which gave no hint, no warning, no advice, as a sign of the divine sympathy in the affairs of men.

Absence of images in the worship of the gods.

Such an unimaginative conception of the Deity could not create ideal pictures or statues of the gods. A simple spear, even a rough stone sufficed as a symbol; a consecrated space, a sacrificial hearth, as temple or altar. For 170 years, it is said, Rome knew no religious images.[1] Afterwards, when the Romans had learnt from the Etruscans to represent the gods as men after the Greek fashion, the old views and ideas still remained in the hearts of the people. The gods transplanted from Greece took no root in the minds of the Roman people. They remained external ornaments, recommended by Greek literature, by foreign influence, by fashion, by love of show; and these external additions gathered around the kernel of the Roman religion, without affecting or transforming its inmost core. The Greek gods never were truly domesticated in Rome. At the household hearth the Lares and Penates continued to be worshipped, their presence was only dimly seen in the glowing ashes, and always filled the heart with secret awe.

Causes accounting for the want of Roman epic poetry.

Thus the Roman people could not create a national epic. No Roman Homer ever sang the heroic deeds of bygone generations. With all the pride of ancestry which animated the Romans, with all their respect for tradition and the past, the Romans never had heroic songs, because they lacked the most important element of poetic imagination. When they extolled their ancestors, they never rose beyond a jejune enumeration of their deeds, honours, and virtues, just as they could draw up only dry lists of the powers, peculiarities, and rites due to the gods[2] and were never inspired to real religious poetry. Religion,

[1] Varro in St. Augustine's *Civit. Dei*, iv. 31.

[2] This is the meaning of *Indigitamenta*. See Preller, *Röm. Mythologie*, p. 119.

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therefore, it is true, had among the Romans a powerful influence over men. It governed them entirely in all their doings, in all public and social relations. It made them courageous, constant, firm, and confident of the divine protection as long as they fulfilled their prescribed duties. It was designed for use in practical life. To the husbandman it promised a rich harvest, to the shepherd increase of his flocks, to the housewife plenty in her stores, to the warrior victory, to the state prosperity. It offered protection from all evils and sufferings, from sickness among men and cattle, from blight and vermin, from poverty and disgrace. Piety consisted in appeasing the evil spirits, and procuring the favour of the good. This was done by strictly prescribed prayers and rites.[1] But of any intimate relationship between man and God, of purity in thought, word, and deed, of the consciousness of sin, of hearty penitence and reform, of a sanctified love of virtue and truth for their own sake, of untiring aspirations after the knowledge of God and union with Him, of all that is most exalted, most heavenly, and most beautiful, in a greater or smaller degree, in the religion of other nations—of all this there is hardly a trace among the Romans. They were, therefore, even to the end, a heartless, cold, calculating, and uncharitable people, without enthusiasm themselves, and awakening none in others, great and powerful only by their self-control, their intelligence, and their iron will.

Roman art.

Art is an offspring of religion. When the first necessities of life are satisfied, when bare existence is secured, man rises to the enjoyment of the beautiful. His first leisure he devotes with grateful zeal to the service of the Deity. The dwellings of the gods are the first which he endeavours to adorn. At the festival of the gods he throws off the anxieties connected with his daily toil, and enjoys the pleasures which life offers him. Here poetry and music spring up hand-in-hand with architecture, sculpture, and painting. The temples and holy images and religious

[1] See Preller, *Röm. Mythologie*, p. 122.

songs are, among all nations, the first products of art. Amongst a people, therefore, like the Romans, whose gods had assumed no human form, where strictly prescribed litanies checked the free effusion of the heart in prayer, there is no fruitful soil for art to flourish. CHAP. XIII.

The oldest Roman festivals of which we hear were coarse, rustic games. At the Lupercalia, youths ran through the streets dressed in goats'skins, beating all those they met with strips of goats' leather. The dances of the Saliarian priests, the perambulations of the Ambarvalian brethren, the processions with the holy shields appear, as the scanty remains of the old hymns indicate, to have been without any artistic element. The flute, the public games, the solemn processions, and magnificent robes were first made known to the Romans by the Etruscans; and down to a comparatively late period, the Romans continued to be dependent on their Etruscan neighbours, and learned from them the first lessons of dramatic art. In architecture likewise the Romans were pupils of the far more advanced Etruscans, and for a long period, Etruscan sculptors made for Rome the holy images and executed the decorations of the temples.[1] Rome never produced real artists. Even at the time when the streets and palaces were filled with Greek masterpieces, the true feeling for art was wanting, both as regards appreciation and productive skill. A true Roman may be said to have enjoyed the possession of rare, costly, and famous works of Greek art, rather than to have comprehended their intrinsic beauty. Roman festivals.

In the time of the kings, therefore, and even late in the time of the republic, Rome stood on a very low level with regard to art, and was dependent on foreign, chiefly on Etruscan, models. Works of art are indeed ascribed to the regal period; for example, a statue of the augur Attus Navius, the figure of the Ephesian Diana on the Aventine, and an equestrian statue of Clœlia, are named. But all Alleged works of art of the regal period.

[1] See Schwegler, *Röm. Gesch.*, i. 674, Anm. 6.

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these works, if they really did exist, date from a later period, like the augural staff and the hut of Romulus, and the Capitoline she-wolf.

Etruscan works.

The great public works, erected for the use and defence of the town, the sewers and the walls, were constructed at the time of Etruscan dominion. The temple of the Capitoline Jupiter was probably the first edifice of architectural pretensions in Rome.[1] Nothing can be further from the truth than the idea that Rome in the regal period was an imposing city. Inside the lines of fortification which were formed partly by the steep declivities of the hills, and partly by walls and ditches, different villages, separated from one another by fields and meadows,[2] lay on the several hills, and in them distinct local traditions, customs, and religious ceremonies were for a long time preserved. The town was full of consecrated places and altars of the simplest construction, either of stone or of turf. The dwellings of the Roman peasants were miserable straw huts,[3] where the family assembled at meal times and offered sacrifices around the hearth in the smoky atrium.

Habits of the people.

The Roman peasants, however, did not spend much of their time in their houses, beyond the hours for eating and sleeping. By day the farmer was in the field or at the market, where he bought and sold, and attended to the transaction of public affairs. Agriculture was much esteemed among the Romans. The proudest patrician practised it with his own hand, and with the help of his sons. Trade, on the contrary, was despised. Clients and freedmen might occupy themselves with it, but for a patrician it was thought to be degrading. On this account

[1] Its Etruscan origin is undoubted. On the other hand the statement which ascribes to that period the construction of a circus built of stone, deserves no credit. See Schwegler, *Röm. Gesch.*, i. 674.

[2] By the Icilian law *de Aventino publicando*, 456 B.C., the land occupied by patricians on the Aventine was given to the plebeians.

[3] Even down to the time of the war with Pyrrhus the houses were covered with wooden tiles (Pliny, *Hist. Nat.*, xvi. 15, 36). According to a current tradition Rome was rebuilt in one year after the Gallic conflagration (Plutarch, *Camill.*, 32). Houses which could be constructed so quickly must have been of the simplest kind.

the industrial arts could not flourish in Rome, as they did in Athens, Corinth, and the Etruscan towns. The trades of the artisans never rose to the dignity either of art or of industrial pursuits on a large scale.

Roman commerce.

Commerce could not prosper without the existence of a profitable industry. Rome was never a commercial city. The indispensable exchange of the products of agriculture and of trade could not be developed into an active intercourse with foreign states, as Rome possessed no articles for exportation; moreover, in the regal period, the Etruscans ruled the Western Mediterranean. The Romans could not have competed with them, if even their geographical situation had been more favourable for commerce.

The Romans as warriors.

Although the Romans in the regal period were still in the infancy of civilisation, they had already laid the foundation for great excellence at least in one art, that of war. They knew the importance of strict organisation, and indiscriminate subordination of the individual will to that of the whole for all purposes of defence and attack. The basis of the political organisation was formed by military requirements. The old constitution of curiæ corresponded with the form of the Roman legion. This becomes still more evident in the constitution of centuries, which, down to the smallest detail, exhibits its military character. If the Roman generals were deficient in strategic skill, the army made up for this fault by such admirable bearing and calm bravery, that even great blunders of the commander seldom endangered the safety of the army, and the soldiers often gained a victory which the generals had lost.

Multiplication of wars by later chroniclers.

The annals of the older Roman history contain hardly anything but accounts of wars and descriptions of battles. The wars of that time were no doubt frequent, as in the case of small, independent, half-barbarian nations seems to be unavoidable. But it is surely a mistake to suppose that the wars were uninterrupted. The Roman annalists, who thought it incumbent on them to report battles and sieges

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for every year, did not hesitate to invent wars, victories, and triumphs, and, as can be satisfactorily shown, made frequent use of the simple expedient of repeating the same story several times. In many of these successive narratives it is easy to recognise the same materials, worked up and varied with more or less skill, boldness, and impudence. If allowance is made for these numerous inventions, and if we bear in mind how the most trifling events were exaggerated, and how many of these wars were only plundering expeditions, which ended without great harm being done, we can understand that, in spite of the wars, a certain degree of prosperity was possible among the Roman people. There must have been times of rest and of peaceful industry; otherwise Rome would not have emerged from barbarism, but would indeed have remained a nest of robbers, such as it appears in the legend of the asylum of Romulus.

Growth of Rome.

But Rome grew and grew, not only by the warlike qualities of its armies, but also by the peaceful industry of its citizens. As it increased externally by the force of arms, it grew internally in the elements of culture and of public well-being; otherwise its history would not have become what it is, a great epoch in the development of the human race.

SECOND BOOK.

THE EARLY HISTORY OF THE REPUBLIC.

CHAPTER I.

THE FIRST YEARS OF THE REPUBLIC.

Establishment of the Roman republic.

ROMAN tradition is, as we have seen, wholly untrustworthy as to the cause and course of the revolution which brought about the overthrow of the kingly power, and laid the foundation of the republic. Whatever may have been the nature of these struggles, it cannot be supposed that the republic appeared at once in its perfect form, and that in the very first year the regular consular power was introduced with all its attributes and functions in relation to the senate and citizens. Traces of a less quick and smooth transition have been preserved, especially in the traditions connected with the name of the great legislator P. Valerius Poplicola, from which it appears not unlikely that, after the abolition of the royal dignity, a period of dictatorial government followed, which ended with the dictatorship of Valerius.[1]

At all events the republic seems to have been first regularly established by the Valerian laws, of which, unfortunately, we can discover little more than half-obliterated traces in the oldest traditions of the Romans.

The dictatorship of Valerius.

According to the story, P. Valerius was chosen as consul after the banishment of Tarquinius Collatinus, and remained alone in office after the death of his colleague, Brutus, without assembling the people for the election of a second consul. This proceeding excited a suspicion in the minds of the people, that he intended to take sole possession of the state, and to re-establish royal power. But these fears proved groundless. Valerius remained in office with the sole design of introducing a number of laws

[1] See the Author's *Researches*, p. 58 ff; and Schwegler, *Röm. Gesch.*, ii. 86, 92.

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intended to establish the republic on a legal foundation, without the danger of any interference on the part of a colleague.

The Valerian law of annual magistracies.

The first of these Valerian laws threatened with the curse of the gods any one who, without the consent of the people, should dare to assume the highest magistracy.[1] By this law the sovereignty of the people was not only recognised, but an effectual barrier was presented to any attempt to keep an office beyond the period legally fixed for its duration. As the public law did not allow the people to compel a magistrate to resign, and as, therefore, a magistrate once elected could only return into private life by an act of voluntary abdication, it would have depended apparently on his own free will whether his power should last during his lifetime or not, unless by this law the magistrate who, after the legal time, refused to resign an office was marked as a traitor to the state. Against such a one resistance by force was legally sanctioned, and from this time forward, therefore, the regular annual change of republican magistrates was secured, and the restoration of the royal power in Rome was made impossible, unless a usurper was prepared to use force and violence to upset the very basis of the established order. Such an act of violence, however, was not to be expected in Rome, where the magistrates had the command of no military force except the armed citizens, and where each member of the aristocracy was a zealous guardian of republican equality.

The Valerian law of appeal.

The second law of Valerius was of equal importance for the good order of the republic. It prescribed that in criminal trials, where the life of a citizen was at stake, the sentence of the consul should be subject to an appeal to the general assembly of the people.[2] This Valerian law of appeal was the Roman Habeas Corpus Act. It formed the keystone of the structure of the republic.[3] It

[1] Dionysius, v. 19. Livy, ii. 8. Plutarch, *Poplicola*, 11, 12.

[2] See Schwegler, *Röm. Gesch.*, ii. 170.

[3] Pomponius (*De Origine Juris*, 16) lays especial stress on this law, as the chief distinction between the consular authority and the royal power.

provided a barrier against every illegal stretch of authority on the part of the magistrates, and against every act of military tyranny during their legal term of office. With such a guarantee against abuse of judicial authority, the Romans could afford to entrust to their magistrates an extensive jurisdiction, without being obliged, like the Athenians, to have recourse to popular assemblies as ordinary courts of law.

Insignia of consular authority.

As an outward sign of the limitation of the official power, and as an acknowledgment of the sovereignty of the people, Valerius caused the fasces of the lictors to be lowered before the people. From this time the consuls never displayed the dreaded axes within the town. But in the field, where the consular authority was preserved without limitation, the axes continued to be in the fasces of the lictors, as a symbol of the military power of the consuls.

The two consuls.

The Romans found a further protection against the abuse of consular authority in the division of the office between two colleagues of equal rank. In this way not only was the re-establishment of the monarchy rendered difficult, but too harsh and severe an exercise of the power which was left to the consuls was also prevented, as in the intercession of one of the two consuls against the decisions of the other there was a certain guarantee against precipitation and injustice. According to the principles of public law in Rome, the intercession of a magistrate had the effect of stopping the execution of any order or sentence pronounced by an official of equal rank. There can be no doubt that the possibility of limiting the power of the consuls by the consuls themselves was the principal if not the only reason for the division of the chief magistracy of the state, which was in many respects so prejudicial.

The power of the consuls.

Although the Roman consulship was divided between the two colleagues, and was limited in its duration to one year, yet it conferred very considerable power, and by the insignia of the office, as well as its substantial rights,

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resembled the abolished royalty.[1] The royal functions which remained to the consuls were those which related to the internal administration, the jurisdiction, and the command of the army. The priestly functions alone were separated and were conferred on an officer called the king of sacrifices (rex sacrificulus, or rex sacrorum), who was appointed for life. The reason for this arrangement may be found in a feeling of conscientiousness and religious formalism; the gods were not to be deprived of services or sacrifices which the state owed them through a 'king.' Although the shadow of the regal dignity was thus preserved, care was taken to make the office powerless. The king of sacrifices was excluded from all political functions; he was declared incompetent to fill any other office in the state; and it was not he, but the chief pontiff, who was placed at the head of all religious concerns.

Religious character of the consulate.

But by the nomination of the sacrificial king, and by the transfer of the whole religious authority to the pontiff, the consulship was by no means entirely secularised, nor brought into any sort of opposition to the priesthood, or exposed to the possibility of a conflict with it. In so far as religion had an influence on political life, it was wholly and entirely at the service of the magistrates. A religious interest apart from the interest of the state was never thought of; a dispute between spiritual and secular authorities was not possible. Religion was expected to preserve and to benefit the people and the state; its servants were only the mediators of whom the state made use to secure the goodwill and protection of the gods. The augurs certainly conducted the auspices, and interpreted the divine will, but only at the command of the magistrates; and the answer from heaven was not addressed to them, but, through them, to the political representatives of the Roman people.[2] When the consul wished to offer up a solemn prayer, the pontiff repeated for him the prescribed

[1] Cicero, *De Rep.*, ii. 32: 'Uti consules potestatem haberent . . . . genere ipso ac iure regiam.' Livy, ii. 1.

[2] Rubino, *Untersuchungen über Röm. Verfassung*, p. 48 ff.

form, and instructed him in the manner of performing the religious ceremony. He was the living book in which the science of heavenly things was written down, but only the officers of the state were permitted to open and to read it.

The priesthood.

By this arrangement the consulship had suffered no loss of power through the separation of the religious functions from the secular magistracy. Religion, as an instrument for political purposes in the hands of the magistrates, had become rather more effective now that the fulcrum of the lever lay further off in the priesthood. The ruling party could, by the mouth of the priests, sanctify or condemn, without scruple, what, from a political point of view, they sanctioned or rejected; and the Roman parties never hesitated to make use of this means to increase their real power.

Judicial powers of the consuls.

As judges the consuls occupied altogether the place of the kings. They decided the legal disputes of the citizens either personally or by deputy. Their criminal jurisdiction was probably limited to the most important cases, as the paternal authority (*patria potestas*), which extended over clients as well as all members of the family, was in full force.[1]

Their military authority.

In the warlike state of the Romans the military character of the consuls was no doubt most prominent and most important. When the consul led the army into the field, he possessed the unlimited military power of the kings (the *imperium*). He was entrusted with the direction of the war, the distribution of the booty, and the first disposal of the conquered land. Here he had an opportunity of gaining the respect of his fellow-citizens, renown for his family, an influential position in the state, and

[1] For some time after the establishment of the republic, the office of *quæstores parricidii*, which dates from the regal period, and was concerned in the investigation and punishment of crimes, continued to be a regular annual magistracy. Besides these judicial quæstors we meet with another office, that of the *duumviri perduellionis*, whose duty it was to bring to justice offenders against the public peace and the safety of the state. These duumviri do not appear to have formed a permanent magistracy, but to have been elected as commissioners, when a case of treason occurred.—See the Author's *Researches*, p. 75 ff.

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material profit. The oldest designation for the consuls, therefore, was derived from their military quality, for they were called prætors, that is, commanders.[1]

Results of the division of power.

It was, however, precisely in war that the division of power among two colleagues must often have proved prejudicial. The want of unity in the command of the army was the frequent cause of great dangers and reverses. Had it not been for the military instinct which every Roman possessed, and the wonderful discipline and drill of the legions, it would have been impossible for Rome to endure for any length of time the division of the supreme command. But there came troubles in which, in spite of the military qualities of the people, the organisation broke down, and the necessity of unity in the direction of affairs was felt to be indispensable.

The dictatorship.

The dictatorship served this purpose. By decree of the senate one of the consuls could be charged with naming a dictator[2] for six months, and in this officer the full power of the king was revived for a limited period. The dictatorship was a formal suspension of the constitution of the republic. All magistrates remained in office, and continued to discharge their regular duties, but they were all placed under the absolute command of the dictator. The guarantees of republican freedom (such as the right of appeal to the people) were in abeyance during the continuation of the dictator's power. Military was substituted for common law, and Rome, during the time of the dictatorship, was in a state of siege.

Character of the earlier dictators.

Armed with such authority, which placed the resources of the whole state at their disposal, the dictators often succeeded in saving the commonwealth from great dangers. In the good old time of the republic, the dictatorship was never abused for the gratification of personal

[1] See Schwegler, *Röm. Gesch.*, ii. 115; Anm. 1. It was not till after the time of the decemvirs that the designation 'consuls' was adopted. When the plebeians gained access to the consulship, in 366 B.C., a new judicial magistracy was established, under the name of prætorship.

[2] Another name for dictator was *Magister populi*.—Cicero, *De Rep.*, i. 40, 63. Festus, s. v. Optima lex, p. 198, ed. Müller.

ambition. The attempt was never made to turn the temporary possession of regal authority into a permanent restoration of monarchy. On the contrary the dictators felt it to be their pride to solve as quickly as possible the problem for the solution of which they had been appointed, and then, even before the end of the legal period, to return into private life.

The master of the horse.

That the dictatorship had an essentially military character is proved especially by the circumstance that the dictator had to nominate as second in command a master of the horse (magister equitum), who by his very name is characterised as an officer of the army. It was indeed natural that the government should also make use of the power of the dictator for the settling of internal disputes. In fact a dictator was often appointed to be the leader of the patrician party against the plebeians. But the origin of the dictatorship is certainly not to be found in the disputes between the two classes. It is possible that it formed the transition from the monarchy to the consular constitution, as hinted above;[1] but it is impossible now to arrive at any certainty on this very difficult question.

The consuls as presidents of the senate.

As first administrative officers, the consuls had the presidency in the senate, a political body which in ancient Rome corresponded in many respects to what is now called the ministry, and which, besides being a supreme council of state, had the control of the whole administration.[2] The consuls were charged with the selection of new senators, with calling the senate together, presiding over its deliberations, conducting the debate, and carrying out the resolutions. The senate had no independent legislative, still less any independent executive, power; it was in fact only an administrative council. The consul, therefore, would naturally be influenced in his actions by the authority of the senate, but he was not bound to carry

[1] See p. 127.

[2] The most analogous political body in modern times is an English town council, which, in its several committees, conducts, or at least superintends, the municipal administration.

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out any of its resolutions to which he was opposed. The law did not compel him in his public actions to obtain the consent of the senate; in fact he was not the servant, but rather the master of the senate. He called the senators together to receive their advice, not their commands. Yet, owing to the annual change of consuls and the great influence which the senate, as a permanent body, exercised on the election of consuls, the practical result was that, in all essential and important questions, the senate decided the policy which the consuls had no alternative but to adopt. The senate was the head of the body politic, the consuls were the hands. The sum total of political wisdom and experience was treasured up in the senate; as the senate was, so were Roman politics internal and external. No growth or development could take place unless the germ had been previously matured in the bosom of the senate.

The influence of the senate.

With regard to the consuls, therefore, the power of the senate was not so much a legal and formal superiority as a *de facto* irresistible influence. With regard to the general assembly of the people it was otherwise. The senate had not only the duty of previously discussing and preparing all measures about which the assembly had to decide, but it possessed also the constitutional right of confirming the resolutions of the people. The previous deliberations in the senate were the most natural functions of a select assembly of experienced men. Regular discussion and debate were not possible in the large unwieldy assemblies of the people. They could only decide with *yes* or *no* on a question laid before them. But in the senate different views could be maintained by different speakers. There were here, as in all free public assemblies, opposing parties, and representatives of the various interests which divided the people. There was a rule that after a resolution had been arrived at by the senate (a *senatus-consultum*), one of the magistrates should lay it before the people. If the people approved, it came back for confirmation to the senate, and in this manner

obtained the force of law. The act of conferring this ratification by the *patrum auctoritas* was no superfluous formality. It is true the preliminary deliberation in the senate was the common rule, and when the senate had once decided to bring a resolution before the people for acceptance, it was almost certain that their consent and approbation would follow; but it was not impossible that, owing to unlooked-for events, or party manœuvres, the senate, after repeated deliberations, might arrive at a different vote, just as in the English parliament the first and second readings of a bill do not always insure its passing on the third. But the right of the senate to give or withhold its consent to a resolution of the people was of especial importance, because the magistrates could not be prevented from bringing a question before the people even without submitting it previously to the senate.[1] The withholding of the *patrum auctoritas*, therefore, was one of the means which the patricians made use of to control the decisions of the comitia. It was first legally abolished by the Publilian law, 339 B.C., with regard to acts of legislation, and by the Mænian law with reference to the election of magistrates. In consequence of these two laws the *patrum auctoritas* became a mere formality, because the senate was now compelled to confirm the eventual decision of the people *before* the votes were actually taken.[2]

[1] See Mommsen, *Forschungen*, p. 201 ff.

[2] An instance of the refusal by the senate of the Patrum auctoritas occurred most probably in the year 486 B.C. when the agrarian law of Spurius Cassius was passed. The consul Cassius, who was the author of this popular law, found himself opposed by the senate (see book ii. chap. vii.) The majority of the patricians in the senate resisted the attempt of the consul to carry the law, and punished the author of it with death. It is not likely, therefore, that the senate empowered or commissioned the consul to lay the law before the comitia of the people for their approval. Nevertheless, the people adopted the law (see Schwegler, *Röm. Gesch.*, ii. 477). But the law remained a dead letter. The agrarian disputes which now followed and lasted many years, all turn on the demands of the plebeians to have the law carried out, and on the obstinate refusal of the patricians to accede to this demand. It is quite evident that the patricians must have had some legal pretext for resisting the demands of the plebeians, and their pretext was most probably supplied by the circumstance

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Roman finance.

One branch of the public service, which in modern times occupies a prominent part and regulates all political action, was of subordinate importance in old republican Rome. This was the management of the finances. In a state in which no public officer received any salary, where the military service was a personal duty exacted from the citizens, there was no necessity for an elaborate system of finance, and even taxes properly so-called could not be wanted before the introduction of regular pay to the soldiers, *i.e.* before the year 406 B.C. There were, therefore, no officers especially entrusted with the management of the finances. The senate administered the property of the state. Booty gained in war, fines imposed by law, and any other money that flowed into the treasury of the state, passed through the hands of the consuls. Annually elected officers, the quæstors of the treasury, were not appointed before the year 449 B.C. for the management of the public finances.[1]

Election of senators.

As to the composition of the senate, it is certain that the election of senators was entrusted to the consuls. After the violence of the revolution which had driven into exile a great number of the adherents of the dethroned monarch, the senate was naturally very much reduced in numbers, and it became necessary to fill up the numerous vacancies by an extraordinary measure. This measure, which by some historians is ascribed to Brutus, by others to Valerius Poplicola, is supposed to have brought a number of plebeians into the senate, who after the current view of the old historians were at once raised to the rank of patricians, but who, according to the opinion of modern critics,[2] remained plebeian, and thus formed a plebeian

that the decision of the people had not received the Patrum auctoritas. If this sanction had been given, Spurius Cassius could at once have proceeded to carry the law into execution. But, as it was, he succumbed, after the expiration of his year of office, to the vengeance of the nobility, by being judged (*more maiorum*) by the curiæ. Such proceedings as this no doubt supplied the motives for the lex Publilia and the lex Mænia, by which the Patrum auctoritas was *de facto* abolished.

[1] See the Author's *Researches*, p. 75.

[2] See especially Mommsen, *Forschungen*, p. 251.

section in the patrician senate. The official title of the senators, by which they were addressed as 'Patres Conscripti,' was by the popular archæologists derived from this new element in the senate, the surname 'Conscripti' being supposed to apply originally only to the newly received plebeian members.

The conscript fathers.

If there existed authentic historical evidence of the period which immediately followed the beginning of the republic, we should be compelled simply to accept the account of the reception of plebeians into the senate, although it sounds very improbable. But all the reputed evidence consists in attempts of later Roman antiquarians to account for the title 'Patres Conscripti.' These have no value in themselves, and as they do not agree with the gradual development of the plebeian rights, there is no choice left us but to reject them.

Admission of plebeians into the senate.

The legal position of the plebeians in the beginning of the republic was such that we cannot conceive their admission to the council of patricians to have been possible. The senate was the representative of the patrician interest during all the disputes of the two classes of citizens. Nowhere can there be discovered a trace of a plebeian party in the senate. A whole century elapses after the beginning of the republic before we find a single plebeian in the senate; and even long after the admission of plebeians to the highest offices of the state, the patrician element in the senate was by far the strongest. Moreover, the elevation of plebeians to the rank of patricians for the purpose of strengthening the senate is highly improbable. It is irreconcilable with the great contrast which evidently separated the two classes at the beginning of the republic—a contrast which amounted to a legal barrier between them, and prevented the possibility of individuals from one class joining the other,[1] but which, after such a precedent as the alleged reception of many plebeians into the body of the patricians and into the senate, could not have been maintained any longer.

[1] See Mommsen, *Forschungen*, p. 173.

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Patrician character of the senate.

We have, therefore, no alternative left but to hold that, in the beginning of the republic, the senate was purely patrician, and remained for a long time the real representative of the patrician interest. As such it appears throughout in the narratives of the annalists, and it is therefore easily explained that the same political terms are applied to the senate which designate the patrician order as such, particularly the expressions Patres and Patricians. Afterwards, when, by the admission of plebeians to the highest offices of state, they were admitted by degrees into the senate, and when, by the equality of rights of the two orders, the old aristocracy of the patricians was merged in the new 'nobility,' the senate was always the representative of these nobles, and the old views and names were on the whole preserved by the historians of the time.[1]

The comitia of centuries.

Simultaneously with the Valerian laws, which established the republic, the Comitia centuriata, which Servius Tullius is said to have devised with a view of abolishing the kingly power, came into practical use. The highest political functions in the state, the decisions of the sovereign people, were now formally transferred to this assembly, which, as we have surmised above,[2] owed its origin to military necessities at a time when the old organisation of the army, based on the curiæ, no longer sufficed. It seems to have gradually grown out of the original assembly of the thirty curiæ. As a natural consequence of this innovation, the comitia of curiæ were now more and more confined to mere formalities, just as the royal dignity was not altogether abolished, but was allowed to survive in the office of sacrificial king, though reduced to an empty shadow of its original power. The comitia of the centuries had, therefore, from the very beginning of the republic, the same functions which had formerly

[1] See the Author's article 'On the Patres Conscripti,' in the *Festschrift des historisch-philosophischen Vereins zu Heidelberg*. Leipzig, Engelmann, 1865.

[2] See pp. 67, 138, and the Author's treatise in *Symbola Philologorum Bonnensium*, p. 629.

belonged to the comitia of curiæ. In them was vested the right of legislation, the election of the chief magistrates, the decision of questions of peace and war, and, lastly, they formed the highest court of judicature, which had to pass sentence, in the last instance, in all cases affecting the life of a citizen.[1] In the comitia of centuries, therefore, reposed the sovereignty of the people.[2] They were the source of power, because they appointed the magistrates, and indirectly, through the magistrates, the senators. The laws were the expression of the will of the people as declared in the centuries. The consuls and the senate had only certain limited rights and duties conferred on them in the administration and legislation, but the people was supreme and sovereign; it was limited and controlled by no legal power beside itself that might claim superiority or even equality to it. The *de facto* influence of the aristocracy, exercised by the magistrates and the senate, had no independent legal foundation, but was always dependent on the will of the people.

Roman citizens in the comitia of centuries.

The comitia of centuries embraced the whole of the people, not a part only, like the comitia of curiæ, in which the plebeian clients were only passive members, without the right of voting. Every Roman citizen was now competent to vote, according to the measure of his census. But this apparent political equality was far from filling up the gulf between the two classes of citizens. If the patricians and plebeians in the assembly of centuries had really been amalgamated into one people, and if at the same time the plebeians had been admitted to the senate and to the magistracy, the development of the constitution would have taken quite a different direction from what it

[1] It is, however, doubtful if the last of these rights belonged to them before the decemvirate.

[2] It has been assumed almost as an incontrovertible fact by modern historians that the decisions of the centuries were subject to a vote of approval or rejection by the comitia of the curiæ. There is no proof whatever for such a constitutional theory, which seems derived from the modern system of parliamentary legislation. In Rome no popular assembly ever stood in a relation to another popular assembly similar to the position of one House of Parliament to another.

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really did. There would then have been no necessity for the plebeians to struggle for a separate, clearly defined, legal position in the state. The constant disputes for equality between the two classes would have been avoided, and the republic would have possessed from the beginning the strength which was displayed after the passing of the Licinian laws.

Results of the abolition of monarchy.

The facts were altogether different. The revolution which overthrew the monarchy led to the exclusive power of the patricians.[1] The plebs was separated from the privileged class, and debarred from the advantages, rights, and honours which the patricians enjoyed. No bridge led across this gap. No service rendered to the state, no amount of wealth, opened to a plebeian the prospect of rising from the crowd and taking a part in the government. Marriages between patricians and plebeians were unlawful, as were those between freemen and slaves. The plebeian was excluded from the senate, and from all civil and religious offices of state, from the auspices, and even from the knowledge of the laws. He shared only the public burdens, especially those of the military service, which were becoming more and more oppressive from day to day.[2]

Position of the plebeians.

Thus it is not surprising that, although the plebeians had their lawful share in the comitia of centuries, yet it was a very insignificant part they played. Limited, probably to the four lowest classes,[3] they could make no successful opposition to the well-organised dominion of the patricians. The consular elections during the first period of the republic clearly show that the patricians were all-powerful in the comitia of centuries.[4] Thus the plebeians were urged by necessity to organise themselves as a separate political body, that they might as a whole oppose the

[1] See Schwegler, *Röm. Gesch.*, ii. 103.

[2] Compare Sallust, *Hist.*, fragm. 1, 10, ed. Kritz: 'Dein servili imperio patres plebem exercere, de vita atque tergo regio more consulere, agro pellere et ceteris expertibus soli in imperio agere.'

[3] See pp. 64, 67, and the Author's treatise in *Symbola Philologorum Bonnensium*, p. 629.

[4] See Peter, *Epochen der Röm. Republik*, p. 9 ff.

excessive power of the patricians. It is, therefore, not to be supposed that the right of appeal from the sentence of the consuls, which the Valerian law had established as a guarantee against the arbitrary exercise of authority, extended to the plebeians.[1] It was this denial of justice which forced the plebeian class to create for themselves in the Tribunes of the People legal protectors of their own. The tribune, by his intercession against the sentence of the patrician magistrates, made up to his fellow-plebeians for the want of the right of appeal to the popular assembly, a right which, even if it had been possessed by the plebeians, would have been to them of little practical value, as long as they had so little influence in the comitia.

[1] See pp. 128, 129, and the Author's article on the 'Tribunes of the People,' in the *Rheinisches Museum*, 1866, p. 162.

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THE TRIBUNES OF THE PEOPLE.

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Overweening power of the patricians.

THE abolition of the monarchy had raised the patricians to power.[1] In possession of the republican offices, political and religious, exclusively represented in the senate, preponderating and dominant in the assembly of centuries, influential by their large landed possessions and by the numbers of their clients, they were absolute lords and masters of the commonwealth, in which the plebeians had scarcely a share or a legal standing. If such a state of things had continued, the Roman state must have been reduced to a powerless oligarchy, which, in a short time, the enmity of hostile neighbours would have overthrown.

Struggles of the plebeians.

From such a danger Rome was saved by the spirited opposition which the plebs as a class brought to bear against the tyranny of the patricians. Immediately after the overthrow of the monarchy, the struggles began between the patricians and the plebeians, which, if we compare them with the vehement party warfare and the excessive fluctuations in most of the Greek states, were carried on with a certain calmness, deliberation, and steadiness, corresponding to the firm, persevering, sober, practical character of the Romans.

Accounts of the Roman historians.

The Roman historians, who, deceived by the state of things in their own days, looked upon the patricians of the old time as a nobility by no means numerous, represent the insurrection against Tarquinius and the establishment of the republic as a victory of popular freedom, that is to say, plebeian freedom over tyranny. The people revelled,

[1] Schwegler, *Röm. Gesch.*, ii. 103: 'The constitution established after the fall of the monarchy was the government of the patrician houses.'

it was said,[1] in the enjoyment of the newly acquired blessings, and by the amicable dealings of the patricians, who, from political reasons, made some valuable concessions, the plebeians, together with the patricians, became the irreconcilable enemies of the expelled tyrant, and with united efforts opposed all attempts of the Tarquins to regain their power. But the narrative goes on to tell that they had hardly escaped all danger from the banished king and his adherents when the patricians showed themselves in their true light, as unfeeling, hardhearted oppressors of the people. The plebeians suffered great distress and boundless misery. Through continual wars, which laid waste their fields and reduced their farms to ashes, they were deprived of their regular means of maintenance; they were impoverished by the severe war taxes, and plunged into debt. Their creditors were the patricians, who, with reckless severity, administered the harsh law, drove their debtors from their homes, loaded them with chains, kept them languishing in prison, and even tore their backs with ignominious stripes. At last despair drove the poor wretches to resistance. They refused the military service. While the Volscians were attacking Rome, and the senate was in vain devising means of defence, those plebeians who were imprisoned for debt escaped from the prisons and rejoiced in the trouble of their oppressors. Then the consul Servilius, who was friendly to the people, promised them temporary release from their debts, and protection against the harshness of their creditors, on condition that they should allow themselves to be enrolled in the legions. His proposal was accepted. The Volscians were driven back. The Sabines and Auruncans also, who made use of the same opportunity to attack Rome, were conquered in a short campaign. After a threefold victory the army returned to Rome. But forthwith the distress began anew. Again the plebeians filled the loathsome debtors' prisons, and were subjected to all sorts of outrage

[1] Cicero, *De Rep.*, i. 40. 'Tarquinio exacto mira quadam exultasse populum insolentia libertatis.'—Livy, ii. 1.

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and indignity by the heartless patricians. New wars threatened. The plebeians refused to serve. It was only through the nomination of M. Valerius as dictator that the senate could levy new troops. Valerius succeeded, by the promise of protection from their creditors, in inducing the plebeians to enlist. Ten legions marched under the dictator and two consuls against the Volscians, Æquians, and Sabines. Again a threefold victory was won, but, instead of the armies being disbanded, they were kept under military command and military law, lest the men should insist on the fulfilment of the promises of the dictator and on an abolition of debts. Then at length the patience of the plebeians was exhausted. One of the armies declined to obey, marched in military order to the right bank of the river Anio, in the immediate neighbourhood of Rome, encamped there, and threatened to secede from Rome altogether. The danger was very great that the Roman state would fall to pieces and become a prey to its ever-jealous and ever-watchful neighbours. The senate now resolved to yield. It entered into negotiations with the insurgents. It convinced them of the necessity of a reconciliation, and agreed to the condition which they proposed. This was, that plebeian magistrates, called Tribunes of the Plebs, should be chosen, empowered to protect the plebeians from the unfair treatment of the patrician magistrates, and invested with personal inviolability under the sanction of religion.

These accounts are not trustworthy or credible.

The foregoing narrative, which is abridged from ten long chapters of Livy,[1] and from sixty-eight much longer chapters of Dionysius[2] betrays at first sight the boundless caprice and the unskilfulness of the annalists.[3] Apart from the surprising detail in the descriptions,[4] and from the elaborate speeches, in which Dionysius endeavours to show his rhetorical talent, the repetitions and exaggerations—the two most pardonable faults of the Roman annalists—are

[1] Livy, ii. 23–32.

[2] Dionysius, vi. 22, 90. Compare Sir G. C. Lewis's condensed narrative, *Credibility of Early Roman History*, ii. 62–72.

[3] See Sir G. C. Lewis's *Credibility*, ii. 73–84.

[4] See Schwegler, *Röm. Gesch.*, ii. 225, Anm. 3, and p. 235.

quite palpable. The occurrences of the first and of the second year of the plebeian insurrection are plainly the same. Each time a threefold war is ended by three victories with an army of Roman debtors. Ten legions are levied—an army, such as Rome, up to the time of the Punic wars, could hardly collect. It would be tedious and unprofitable to point out in detail all the absurdities which excite our indignation, when we are obliged to read the tedious and vapid speeches of Dionysius. We should be satisfied if, among irrelevant particulars drawn from the imagination, we could find a few credible hints in explanation of the facts, and an answer to the questions, which have reference to the political and social character of the movement. But the historians give us no consistent, intelligible, or probable report, either as to the time of the revolution, or the place where peace was concluded, or the number of tribunes elected, or the manner of electing them.

Date assigned to the revolt of the plebs.

In the first place the date of the outbreak of the plebeian revolt is made to coincide with the death of Tarquinius, not on the ground of anything like a trustworthy tradition, but because it seemed plausible to suppose that, during the life-time of the expelled tyrant, the patricians would avoid everything that could create discontent among the plebeians and make them regret the monarchy. It was therefore assumed that, as soon as Tarquin died, the systematic oppression began which drove the plebeians to resistance and mutiny. It is hardly necessary to remark that this calculation is very flimsy; that too little time is given for the sudden cruelty of the patricians to produce an effect, and that, after all, even the date of the death of Tarquin is quite uncertain. On the whole, the chronology of this period is in a state of confusion from which no ingenuity is likely ever to rescue it.[1]

The place of secession.

The locality where the insurgent plebs assembled, and where peace was concluded with the patricians, is perhaps

[1] Compare Sir G. C. Lewis, *Credibility*, ii. 75. Schwegler, *Röm. Gesch.*, ii. 98, 206. Mommsen, *Röm. Gesch.*, i. 273; English translation, 279.

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a matter of indifference in the history of the secession. But it awakens an uncomfortable feeling, when we find that, while the received traditions mention the so-called Sacred Hill beyond the river Anio as the place in question, the Aventine is also named,[1] and indeed both hills at once.[2] These variations show a want of certainty in the tradition, which is the more striking as the Sacred Hill is said to have derived its name from the solemn treaty of peace which was concluded there, and as it must have been connected with this peace in the minds of the people.

Number of the tribunes.

The statements of the number of tribunes chosen in the beginning vary between two and five,[3] and it is not possible to decide which is the most authentic. The internal probability is in favour of two plebeian tribunes, because they were in some manner opposed to the two patrician consuls; but a few years later the board of the tribunes consisted of five members, and we cannot learn how the number was raised from two to five.[4]

Mode of electing the tribunes.

The question which presents the greatest difficulty is that of the mode of election of the first tribunes. To this question even the ancients could give no satisfactory answer. In the absence of any real evidence and authentic tradition, we are thrown back upon conjecture, and every form of election has been proposed in succession. The question, it is true, relates only to the short period from 493 to 472, and it is, on the whole, of but small importance; but there seems to be no reason why we should not endeavour to answer it. For our own part we have a decided conviction that the plebeians alone in their purely plebeian assemblies—the comitia tributa—could elect their legal chiefs and protectors.[5]

[1] By the annalist Piso, according to Livy, ii. 32.

[2] By Cicero, *De Rep.*, ii. 33, 58.

[3] Cicero. *De Rep.*, ii. 34, 59. Livy, ii. 33. Zonaras, vii. 15. Dionysius, vi. 89. Plutarch, *Coriolan.*, 7. Asconius in Cicero's *Cornel.*, p. 76; Orell.

[4] See Schwegler, *Röm. Gesch.*, ii. 271, Anm. 1.

[5] The difficulty which seems to lie in the nature of the Publilian law, will be discussed when we come to treat of that law. It is, however, by no means improbable that the first election of tribunes on the Sacred Hill was rather irregular. On the other hand, we know that lawful comitia tributa could be

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Cause of the secession.

The distress of the plebeian debtors is almost universally given[1] as the occasion of the insurrection. This distress is painted in the most glaring colours. One would think the plebs had been only a mass of insolvent debtors, and that they had reached the last stage of economical decay. We may ask, how could such distress arise so suddenly? If wars undermined the prosperity of the peasants, how could the patricians escape the consequences? Where could they get the money for the loans?[2] Rome was not a commercial town, and in the earlier ages of the republic there was no artificial measure of value, excepting the heavy copper money, so that extensive money loans cannot be thought of.[3] Nor can the debts of the plebeians be attributed, as has often been attempted,[4] to the pressure of taxation. For, in the first place, as already remarked, money taxes were at that time either unknown, or very trifling, and, in the second place, it can hardly be imagined that the burden of taxation, if it existed, rested, as has been supposed, entirely on the shoulders of the poor.[5] This would have been in direct opposition to the principle of the constitution of centuries, according to which the

hold outside the town, as we hear of such assemblies in the camp at a later period.—Livy, vii. 16.

[1] Especially by modern writers (see Schwegler, *Röm. Gesch.*, ii. 209. Mommsen, *Röm. Gesch.*, i. 273; English translation, 278. Lange, *Röm. Alterthümer*, i. 434. Compare Sir G. C. Lewis, *Credibility of Early Roman History*, ii. 76).

[2] Schwegler (*Röm. Gesch.*, ii. 211) justly observes that the tradition gives us no information as to the sources of the wealth of the patricians.

[3] Sir G. C. Lewis (*Credibility*, ii. 87) says, 'It is difficult for us to conceive a state of society in which the poor are borrowers on a large scale.' See also Fustel de Coulanges, *La Cité Antique*, p. 342.

[4] Livy, ii. 23.

[5] It is impossible to imagine a more heartless system of legal oppression than that which has been ascribed to the patricians (Schwegler, *Röm. Gesch.*, ii. 108, 210, 453). The *tributum*, or war tax, it has been said, was only assessed on landed property. Now the patricians had comparatively little property in land, the greater part of their wealth consisting in public lands which they had in 'occupation.' These lands were free from the tributum, which fell, accordingly, the more heavily on the shoulders of the plebeians. Moreover, the debts of the plebeians were not deducted from the capital for which they were assessed. They had to pay taxes even for those parts of their property which were taken possession of by patricians for unpaid debts, and they were liable

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heaviest burdens of war had to be supported by the wealthier classes.[1]

Difficulties of the narrative.

Supposing, however, that the great mass of the plebeians at that time were hopelessly languishing under the oppression of their debts, and had in consequence lost their property, and practically their freedom, is it probable that the Roman legions were formed of such men, who had still on their backs and hands traces of the stripes and chains of slavery? And, if even this were granted, can we imagine the Roman senate insane enough to propose casting again into debtors' prisons these men, who had carried arms against the enemies of their country and had conquered in the field? The evident contradictions are multiplied at every step, as we proceed in examining the traditional story. But if we were to try to get nearer the truth by moderating the exaggerations, we should still go astray. For not only is it the excess of the misery of the plebeians which challenges our doubt, but we must question whether it was distress for debt at all that caused the insurrection. This doubt is justified, first, by the circumstance that, at the reconciliation of the two hostile parties, there is nothing said of removing the causes which are supposed to have produced the distress;[2] and, secondly, by the fact, that nevertheless, from this time forward up to the burning of Rome by the Gauls, nothing is said of any indebtedness of the plebeians. The severe laws of debt we find unmodified in the Twelve Tables. It is therefore not likely, nor is it recorded, that the plebeians, at the time of their secession,

to pay when they were in the debtors' prison. This system of taxation is a refinement of injustice and cruelty, worse than that under which the unhappy Jews had to suffer in the most barbarous countries of mediæval Europe. Is it possible to imagine such a system ever to have been tolerated by the men who laid the foundation of the Roman empire by their undaunted courage and discipline?

[1] Livy, i. 43: 'Hæc omnia in dites a pauperioribus inclinata onera.'

[2] Dionysius (vi. 83), it is true, mentions an abolition of then existing debts, which would have been, if not a remedy of the evil, at least, a temporary boon; but Livy does not even allude to this, and Cicero speaks expressly against it (*De Rep.*, ii. 34): 'Quo tum consilio prætermisso (viz. a remission of debts) causa populo nata est, duobus tribunis plebis per seditionem creatis, ut potentia senatus atque auctoritas minueretur.'

urged the abolition of these laws, and we cannot understand that insolvency was the cause of the insurrection.

True cause of the revolt.

The true cause of the secession can therefore only be looked for in the political condition of the plebs,[1] as above described, and not to any extent in the wretchedness of their economical position. Whatever that may have been, the plebeians were *de facto* not protected by the law. They were subject to the patrician magistrates, and without the benefit of the right of appeal.[2] Those of them who were clients had a claim on the good-will and protection of their patrician patrons, but this claim was of no avail if a client wanted redress against his patron himself. It was evident that the plebeians stood in need of official patrons, who should, by virtue of their office, guard their rights, and interfere in their favour whenever they had to complain of injustice.

Position of the plebeian tribunes.

As to the character of the office of tribune of the people, which arose out of the secession, we are on the whole well informed.[3] The tribunes of the people were so essentially different from all the other magistrates, that, strictly speaking, they could hardly be called magistrates at all. They were originally nothing but the official counsel of the plebs—but counsel who possessed a veto on the execution of any command or any sentence of the patrician authorities.

Their power of veto.

The tribune of the people had no military force at his disposal with which to inforce his veto. He had nothing to do with the army or war, and was entirely a civil officer. Only his official servants, who were armed neither with the 'fasces' nor with the axes of the consular lictors, obeyed his commands. There is no more striking proof of the high respect for law, which was inherent in the Roman

[1] As expressed by Cicero (fragm. *pro Cornelio*): 'Propter nimiam dominationem potentium;' and by Sallust (fragm. *Histor.* i. 214, Gerlach): 'Iniuriæ validiorum et ob eas discessio plebis a patribus aliæque dissensiones domi fuere iam a principio,' etc.

[2] This right belonged to the patricians alone; see the Author's article 'On the Origin and Original Functions of the Tribunes of the People,' in the *Rheinisches Museum*, 1866, p. 165.

[3] See the article quoted in the preceding note.

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people, than that it was possible for such a magistracy to exercise functions specially directed against the governing class and their interests, without encountering, more frequently than the tribunes did, the force and violent resistance of their political opponents.

Their personal inviolability.

To strengthen an official authority which was so much wanting in physical strength, the Romans availed themselves of the terrors of religion, which was always appealed to when the limits of secular authority were reached. The tribunes were accordingly placed under the special protection of the Deity. They were declared to be consecrated and inviolable (*sacrosancti*), and whoever attacked them, or hindered them in the exercise of their functions, fell a victim to the avenging Deity, and might be killed by anyone without fear of punishment. Such an arrangement, which aims at making a breach of the peace lawful, which places the observance of political order under the guarantee of open violence, is, in spite of all religious forms and sanctions applied to it, an open wound which never heals, and is harmless only so long as the body on the whole remains healthy and strong, but which, in case of sickness, is easily inflamed and endangers the whole community.

Practical working of the office.

The tribuneship, by being placed from the very beginning above all laws by reason of the extraordinary religious protection which it enjoyed, served as a powerful engine for the progressive development of the constitution. The reign of freedom must always be preceded by the removal of restrictions, disabilities, privileges, monopolies, and all sorts of bad laws by which the legislators of a rude age have endeavoured to repress the natural instinct of men for freedom and equality, in behalf of a ruling class, under the pretext of maintaining order, religion, and prosperity. The tribunes of the people had a most arduous task assigned to them. They had to remove the legal inequalities among the two classes of citizens, caused by the gulf which separated the conquerors from the conquered. They succeeded in accom-

plishing this object after ages of political contests, for which a parallel is to be found only in the development of the English constitution. But, when their work was done, they did not retire. The tribuneship, established for the protection of the helpless plebeians, was not abolished, as it ought to have been, when the plebeians had risen to perfect equality with the patricians. It continued to exist, completely changed in its nature, though but little in its external form, and contributed materially to undermine the republic and re-establish a monarchy.

Earlier policy of the tribunes.

In the first years of the existence of their office the tribunes naturally kept within modest limits. All the stories of tribunician accusations and condemnations in the period immediately following the secession, related by Livy and Dionysius, are inventions of a much later period, and represent the tribunes as invested with powers which, in those early days, they did not possess.[1]

Growth of their power.

But, in the legal protection of the plebs, which the tribunes maintained by the right of intercession against all the official acts of the magistrates, the germ of their future power lay concealed. It was evident that, if they could protect a single plebeian from the consequences of a general order, their interference in reality nullified that general order. Their mode of proceeding, therefore, soon changed from affording protection in single instances to interposing a veto on political acts of the magistrates and of the senate. In their hands grew up a power of stopping every public functionary in the discharge of his duty, and in fact of making all government impossible—a power which, like that of refusing the supplies to a ministry, should operate only as a threat, and not really be put into practice. Nor did the tribunes exercise it without moderation, and thus the establishment of this magistracy contributed materially to advance the development of the constitution.

[1] See the Author's article 'On the Tribunes of the People,' in the *Rheinisches Museum*, 1866, p. 161 ff.

CHAPTER III.

THE LEAGUE OF THE ROMANS, THE LATINS, AND THE HERNICANS.

BOOK II.

Relations of Rome with other states.

If it is difficult to gain clear views as to the condition of Rome in the regal period, these difficulties, and the obscurity arising out of them, increase as soon as we turn our eye away from Rome to the neighbouring country, and endeavour to examine the internal condition of Latium as well as its relations to Rome.

Religious centre of the Latin league.

Soon after the foundation of Rome, the legendary city of Alba Longa, the old capital of the Latin league, was destroyed. From that time it lay in ruins, out of which, to the present day, it has never risen. As the common sanctuary of the Latins, there remained standing the temple of the Latin Jupiter, on the summit of the Alban hill, visible from every part of the plain. There was celebrated at this spot an annual festival of all the assembled Latins, which preserved the memory of their original union, and of their descent from one common stock. There were also other religious centres in Latium, which perhaps point to still older leagues; for instance, the sanctuary of the Lares and Penates at Lavinium.[1] From the beginning of the Roman republic the sacred grove at Aricia appears to have been the meeting-place of the Latin peoples.[2] Authentic accounts as to the details of this league are wanting. The most probable conjecture is, that for a time dictators were at the head as commanders of the

[1] See Schwegler, *Röm. Gesch.*, i. 317.

[2] Probably in the Dianium, or sanctuary of Diana, of which Cato preserved the deed of consecration. Priscian, iv. 4, 21, p. 629. See above, p. 97, note.

league,[1] and that they afterwards gave place to two annually-elected prætors.[2] Still it was in the nature of this, as of every international league, that the individual members enjoyed more or less independent action in proportion to their size and strength, and that the security and power of the league were weakened in consequence.

Causes of weakness in the league.

It was precisely during the time which followed the expulsion of the kings from Rome that this weakness became highly dangerous. According to all appearances, several nations of central Italy at that period left their seats among the mountains, and moved southward and towards the coast. The memory of these migrations has been preserved in the legend of the 'sacred spring.' In hard times, under the pressure of war, failure of the crops, and sickness, the inhabitants of the mountains, we are told,[3] used to vow that they would dedicate to the gods all that was born in the ensuing spring. For the fulfilment of this vow the firstlings of cattle were offered; but the children, after a number of years, when they were grown up, were sent out of the country to find a new home for themselves. By such emigrations central and southern Italy was almost all conquered by the Sabine nations. The Æquians advanced towards the east of Latium, the Volscians towards the south. These two nations were, from this time forward up to the Gallic invasion, the constant enemies of the Latins and of the Romans.

League between the Romans and the Latins.

It was therefore very natural that the latter nations should form for their mutual protection an offensive and defensive league. Such a league the legend refers even to the time of Servius Tullius. But now, for the first time, do we meet with traditions respecting it which deserve credit.[4] It is said that in the year of the secession a league was concluded between the Romans and Latins which the Consul Sp. Cassius negotiated for Rome. It stipulated that

[1] Schwegler, *Röm. Gesch.*, ii. 291. [2] Livy, viii. 3.

[3] Dionysius, i, 10; ii. 1. Paul Diac., s. v. ver sacrum, p. 379 ed. Müller. Servius, ad Virg. *Æn.*, vii. 796.

[4] On the alleged document containing the original terms of the league, see above, p. 70, with n. 1.

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there should be everlasting peace between Rome and Latium, and that the two nations should assist one another in defensive wars. There can be no doubt that this league really existed, though we know nothing with certainty of the details of the treaty than what has just been mentioned.[1] It was the first great political act of the Roman senate, which always conducted its foreign policy with wisdom and firmness. By this league a bulwark was erected between Rome and the Sabellian nations, which, it is true, was repeatedly broken through in the course of the everlasting wars, and could only be repaired with difficulty by the combined powers of the allied nations, but which generally kept the ravages of war from the immediate vicinity of Rome, and finally rendered it possible for the Romans to change their position of allies to that of masters over the exhausted and divided Latins. This result was brought about by the great losses sustained in the wars by the Latin towns. When the alliance was formed, the league of the Latin towns was unbroken, and they were able to treat with Rome on an equal footing. But the losses in the course of the war were only on the side of the Latins. The Latin towns conquered by the Volscians and Æquians were lost to the Latin league; on the other hand, all territories re-conquered by the united efforts of the Romans and their Latin allies, were not simply restored to the latter, but in part claimed as the share of Rome. Thus the Latin league led the way to that dominion of Rome over Latium which existed for a long time *de facto* before the great Latin war (338 B.C.) caused it to be formally acknowledged.

Admission of the Hernicans to the league.

The league between Rome and Latium was soon joined by the kindred race of the Hernicans. The territory of this people lay further in the eastern mountains in the valley of the Trerus, and was threatened on one side by the Æquians, and on the other by the Volscians. The league with them is said to have been concluded on the

[1] Schwegler (*Röm. Gesch.*, ii. 307) has endeavoured to restore the lost paragraphs of the Cassian treaty, but has wasted his ingenuity and learning.

same terms as with Latium. Dionysius relates that the conclusion of the league was preceded by a war and a victory over the Hernicans.[1] This is not at all likely to have been the real course of events. If the Hernicans had been conquered, they would not have been allowed to join the Roman alliance on an equal footing as an independent nation. But it was a usual practice with the Roman annalists (a practice with which we shall become sufficiently acquainted as we proceed) to suppose that it was beneath the dignity of Rome to conclude a treaty of peace and amity except after a preceding victory. As regards the Hernicans, the story goes on to relate that two thirds of their territory were taken from them.[2] This statement is a palpable perversion or misunderstanding of a stipulation of the treaty between the Romans, Latins, and Hernicans, by which each of the three nations was to receive one third of the booty made in war, and therefore also of the conquered land.

Duration of the league.

The league of the three peoples existed as long as any serious danger threatened on the side of the Volscians and Æquians. When this danger disappeared, and Rome had grown strong, it was transformed into the acknowledged dominion of Rome.

[1] Dionysius fills several chapters (viii. 64–69) with a detailed account of this war. Livy (ii. 40) refers to it with two words, 'Hernici devicti.'

[2] Livy, ii. 41.

CHAPTER IV.

THE WARS WITH THE VOLSCIANS.

BOOK II.

The early wars of the Romans.

THE foreign history of Rome in the first century of the republic is one unbroken series of wars with the neighbouring peoples on the north, east, and south of Latium.[1] The descriptions of these wars which we read in Livy and Dionysius bear the stamp of unscrupulous fiction to such an extent that a critical examination of them would be hardly profitable. They are full of reports of the most heroic victories, of evident and palpable repetitions and inventions, of mendacious boasting, and of attempts to conceal the reverses which Rome and her allies had to suffer. If we may trust the stories of the annalists, as far as they describe the general features of these wars, we come to the conclusion, that, for the most part, they consisted of a succession of plundering excursions, in laying waste the open country, and in similar enterprises, which the unpaid citizen soldiers could accomplish at that time in the course of a few weeks of summer.

Constant raids and their results.

But the effect of such annual warfare, even on a small scale, must have been very harassing and ruinous. It is evident, even from the fragmentary and partial reports of the Roman annalists, that the Æquians, and still more the Volscians, gradually gained ground and conquered several of the towns of the Roman allies; that the war on several occasions visited the immediate neighbourhood of Rome; and that, finally, after the complete dissolution of the Latin league, a great portion of Latium was re-conquered by, and thus became dependent on, Rome.

[1] See Schwegler, *Röm. Gesch.*, ii. 716 ff.

The memory of these wars was preserved among the Roman people by several legends, which the annalists endeavoured to transform into history, and to bring into harmony with their narratives. The most celebrated are those of Coriolanus and Cincinnatus. They show clearly what degree of belief the Roman history of this time deserves, and for this reason we select them for a more detailed examination.

The stories of Coriolanus and Cincinnatus.

The legend of Coriolanus runs as follows:—In the year after the secession of the plebs (492 B.C.) there was a famine in Rome; for, during the civil contention, the plebeians had not cultivated their own lands, and they had laid waste the fields of their adversaries. There was therefore great distress among the poor plebeians, and they would have fallen victims to hunger if the consuls had not bought corn in Etruria at the cost of the state, and distributed it to the starving people. But even this was not sufficient, and the people suffered great want, till corn arrived from Sicily, which Dionysius, the Lord of Syracuse, sent as a present to the Romans.

How the Roman people suffered from grievous dearth.

There was at that time in Rome a brave patrician, whose name was Caius Marcius. He had conquered the town of Corioli in the preceding year, when the Romans were carrying on war with the Volscians, and for this reason his fellow-soldiers had given him the surname Coriolanus. This man set himself stoutly against the plebeians, for he hated them because they had won the tribuneship from the senate. He, therefore, now advised that the corn should not be divided, unless the plebeians would surrender their newly acquired right and abolish the office of the tribunes.

How Coriolanus sought to crush the plebs.

When the plebeians heard this, they were enraged against him, and wanted to kill him. But the tribunes protected him from the fury of the crowd, and accused him before the assembly of the people of having broken the peace which had been sworn between the classes, and of having violated the sacred laws. But Coriolanus mocked the people and the tribunes, and showed haughty defiance

How he defied the tribunes and was banished.

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and presumptuous pride. Therefore, as he did not appear before the people assembled to try his case, he was condemned, and left Rome as an exile, swearing that he would be revenged on his enemies.

How he conspired with Attius Tullius to stir up the Volscians against the Romans.

As the Volscians were then living in peace and in friendship with Rome, Coriolanus went to Antium, and lived there as the guest of Attius Tullius, the most respected and the most influential man among the Volscians. And the two men consulted together how they might excite the Volscians to make war on the Romans. At this time the great games were celebrated in Rome, in honour of Jupiter; and a great number of Volscians came to Rome to see the games. Then Attius Tullius went secretly to the consuls, and advised them to take care that his countrymen did not break the peace during the festivities. When the consuls heard this, they sent heralds through the town, and caused it to be proclaimed that all Volscians should leave the town before night. Astonished at this unexpected order, and exasperated at the outrage to their nation, the Volscians proceeded in a body to return home by the Latin road. This road led past the spring of Ferentina, where at one time the Latins used to hold their councils. Here Attius was waiting for his countrymen, and excited them against Rome, saying that they had been shut out unjustly from sharing in the sacred festivities, as if they had been guilty of sacrilege, or were not worthy to be treated as allies and friends by the Roman people. Thus the war with Rome was decided on, and as commanders the Volscians chose Attius Tullius and C. Marcius Coriolanus. These set out with a large army, and conquered in one campaign Circeii, Satricum, Longula, Polusca, Corioli, Lavinium (the holy city of the Penates), Corbio, Vitellia, Trebium, Lavici, and Pedum. No Roman army offered any resistance in the field.

How the Volscians marched towards Rome.

Thus the Volscians at last advanced to Rome, and encamping near the Fossa Cluilia, five miles from the town, they laid waste the lands of the plebeians round about. Then the Romans were seized with despair, and scarcely

retaining courage to defend the walls of the town, did not dare to advance against the Volscians, or fight them in the field. They looked for deliverance only from the mercy and generosity of their conquerors, and sent the principal senators as ambassadors to Coriolanus, to sue for peace. But Coriolanus answered that, unless the Romans should restore to the Volscians all the conquered towns, peace could not be thought of. When the same ambassadors came a second time, to ask for more favourable conditions, Coriolanus would not even see them. Thereupon the chief priests appeared in their festive robes and with the sacred signs of their office, and tried to calm the anger of Coriolanus. But they strove in vain. At last the noblest Roman matrons came to Veturia, the mother of Coriolanus, and to Volumnia his wife, and persuaded them to accompany them into the enemy's camp, and with their prayers and tears to save the town, which the men could not protect with their arms.

How the women conquered Coriolanus.

Now when the procession of Roman matrons approached the Volscian camp, and Coriolanus recognised his mother, his wife, and his little children, his heart softened, and he heard the entreaties of the matrons, fell on the neck of his mother and of his beloved wife, and granted their request. He immediately led the army of the Volscians away from Rome, and gave back all the conquered towns. But he never returned to Rome, because he had been banished by the people, and he closed his life in exile among the Volscians.

Critical Examination of the Story of Coriolanus.

This narrative altogether unhistorical.

If we examine the particulars of the foregoing narrative, we find that no single feature of it can be considered historical, and that it consists altogether of baseless fictions of a later period, which betray a great want of skill in the invention of a probable narrative, and even ignorance of the institutions and manners of the Roman

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people.[1] The conquest of Corioli is evidently invented only to account for the name Coriolanus. In the first place it does not fit into the historical account of the Volscian war;[2] and, in the second place, we know that surnames taken from conquered towns or countries came into use at a much later period among the Romans. For the whole of the alleged history of the campaign in which Corioli is reported to have been conquered, the annalists, as Livy himself admits,[3] had no positive testimony. They found only the name of one consul of 493 B.C., viz. that of Sp. Cassius, in the treaty which at that time was concluded with Latium. They inferred from this that the other consul must probably have been absent in some war. They therefore made him carry on the war with the Volscians, and effect the conquest of Corioli. On such flimsy and baseless combinations the history of the wars of that time is made to rest.

The incident of the famine.

The alleged famine of the year 492 is accounted for in the story by the neglect of agriculture on the part of the plebs, during the secession of the preceding year. But, according to Livy's report, the secession lasted only a few days. There can, therefore, be no truth in the presumed cause of the famine. The story of the buying-up of the corn for the relief of the starving people is taken almost word for word from the stories relating to the years 433 and 411 B.C.[4] And so thoughtless and ignorant were the Roman annalists, that they mentioned as the benefactor of the distressed Romans the tyrant Dionysius of Syracuse. This chronological error was discovered by the learned archæologist Dionysius, who was too well acquainted with the history of his disreputable namesake of Syracuse, to suppose that he could have sent corn to Rome

[1] See Sir G. C. Lewis, *Credibility of Early Roman History*, ii. 116 ff. Schwegler, *Röm. Gesch.*, ii. 349 ff.

[2] See Schwegler, *Röm. Gesch.*, ii. 363.

[3] Livy, ii. 33: 'Nisi fœdus cum Latinis columna ænea insculptum monumento esset, ab Sp. Cassio uno, quia collega afuerat, ictum, Postumum Cominium bellum gessisse cum Volscis memoria cessisset.'

[4] Livy, iv. 25, 52.

about half a century before he was born. He therefore substitutes Gelo as the Greek tyrant who is said to have sent the corn. It is evident that the removal of a gross blunder does not amount to positive evidence, and the learning and ingenuity of Dionysius are therefore thrown away.

The banishment of Coriolanus.

It has already been observed[1] that the accusation and sentence of Coriolanus by the plebs, almost immediately after the first election of tribunes, was impossible. The tribunes had for a long time no other function than that of protecting their fellow-plebeians from the unjust treatment of the patrician consuls. The plebeians, who for a long time remained in a dependent and oppressed condition, had as yet no chance of exercising a power which would have placed at their mercy every patrician hostile to them.

The Volscians and the Romans.

The Volscians appear in the annalistic account to have been at war with Rome in the year 493 B.C., and to have lost the town of Corioli. At the time of the banishment of Coriolanus, however, in the following year, they live in profound peace with Rome, and appear in great numbers at the Roman games. The contradiction implied in this Dionysius attempted to remove by inventing a temporary truce between the two nations.[2] The improbabilities of the story are most palpable in the narrative of the campaign of the Volscians against Rome under the command of Coriolanus. According to Livy, the Volscians conquered, in the course of one summer, twelve — and according to Dionysius, fourteen — Latin towns, overran the whole of Latium, and penetrated into the immediate neighbourhood of Rome. When we consider what a small measure of success usually followed a campaign; how difficult, even in the time of their undisputed supremacy, the Romans found it to reduce a single town, it may well be looked upon as a miracle that the Volscians took seven towns, as Dionysius says, in

[1] See p. 151. [2] Dionysius, viii. 22.

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thirty days. And not less wonderful than the rapidity of the Volscian success, is the complete inactivity of the Romans, and of their allies, the Latins, who were at other times not accustomed to look on calmly when enemies invaded their country. Attempts have been made to account for this inactivity by the civil disputes of the Romans, as if these disputes during the many years of their continuance had ever hindered the Romans from offering resistance to the enemies of their country. But what is still more wonderful than the rapid conquest of so many Latin towns by the Volscians, is the ready restoration of them to the Latins. After the departure of Coriolanus the possessions of the Volscians and of the Latins are precisely the same as before; all the conquests of Coriolanus have melted away like snow, and nothing is left for us in explanation of this extraordinary event but to believe, with the author of the legend, that Coriolanus, at the request of his mother, retired from Rome, and restored all his conquests.

The latter days of Coriolanus

As a punishment for this treachery, which the Volscians, as it appears, were obliged to submit to, they were reported to have cruelly murdered Coriolanus at the end of the campaign. Yet another, and probably older, form of the legend says nothing of this revenge, but allows him to attain a great age among the Volscians, and to lament his banishment from his fatherland. The simple-minded old annalist saw nothing unnatural in the fact that a Roman exile should restore to the Romans towns conquered by the military strength of the Volscians.

Origin of the legend.

The germ from which the whole legend sprang is the story of the filial love of Coriolanus, and of the great authority exercised in olden times by Roman matrons over their sons and husbands. Now it is not beyond the range of possibility that, at one time or other, a Roman party leader, expelled in one of the numerous civil broils, may have joined the national enemies, and may have been induced by the tears of his mother and wife to desist from hostilities against his native city; but the story of Corio-

lanus, as given by Livy and Dionysius, relates things utterly impossible in Rome. The Roman senate could at no time have dreamed of sending an embassy of priests to ask for peace from a public enemy; still less can we reconcile a deputation of matrons with what we know of Roman manners and law, granting even that such a deputation was self-appointed, and not formally commissioned by the senate to act for the Roman people. Such misconceptions of the old institutions of Rome could originate only in later times, when people had vague and erroneous conceptions of the laws and manners of a bygone age, and when fanciful Greeks had begun to adorn the old annals of Rome with moral tales of their own invention.[1]

Details of the Volscian wars.

If, then, there is nothing historical in the legend of Coriolanus, it can, of course, throw no light on the particulars of the wars with the Volscians. That these wars, in the first half century of the republic, turned out more and more unfavourable for Rome and the Latins, is quite evident from a careful examination of the accounts handed down to us, in spite of all the mendacious reports of victories. The light of truth begins to dawn even through the thick mists of fiction. At the time when the oldest family chronicles were composed, it was not yet forgotten that the Volscians had often defeated the Romans, had conquered many Latin towns, and threatened even Rome itself. These events took place during, and no doubt in consequence of, the internal disputes in Rome which preceded the decemvirate. The success of the enemy, however, was in the legendary accounts, by national pride, attributed to Coriolanus, a native Roman; and thus, perhaps, it happened that all the Volscian conquests were condensed into the history of one campaign.

[1] Polybius (iii. 20) speaks with great severity of the foolish and ignorant Greeks who imported their wrong notions of Roman manners into their histories; for instance, the statement that the senators were wont to take their sons from the age of twelve upwards with them into the senate. Of the reports of such writers, Polybius says that they deserve to be treated like gossip picked up in barbers' shops.

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Antium and Ecetra.

Antium, a town on the sea coast, was one of the chief strongholds of Volscian power; another was Ecetra, on the mountain range which rises in the east of Latium. These two towns were the chief centres of the Volscians, and the head-quarters from which they directed their attacks against the Latin league and against Rome. But after the decemvirate the strength of the Volscians decreases. We see them gradually losing the conquered towns one after the other. Rome became so secure from molestation on the part of the Volscians that she had leisure to attack Veii with all her strength. When Veii was subdued and the Romans had gained their first great accession of power in the fertile districts of southern Etruria, the Volscians had ceased to be dangerous to them.

The Volscians and Samnites.

The increasing weakness of the Volscians is perhaps due, at least in part, to the attacks of the Samnites, to which they were now exposed on the east and south-east of their territory. The Samnites were then spreading their conquests over Campania; they appeared soon after in the history of Rome as the enemies of the Sidicines. It is most probable that they became very unpleasant neighbours to the inhabitants of the fertile districts in the lower part of the valley of the Liris, and that even before 354 B.C., when they concluded a formal alliance with Rome, they directed their attacks against the Volscians, and thus rendered a material service to Rome. This is what we may conjecture; but the scanty annals of that unhistorical period do not allow us to speak with certainty on this subject.

CHAPTER V.

THE WARS WITH THE ÆQUIANS.

CHAP. V.

Character of the Æquian wars.

CONTEMPORARY with the wars of the Volscians are those of the Æquians in the first century of the republic. These mountaineers, closely allied to the Sabines, attacked the eastern frontier of Latium, but they seem to have been more intent on plunder than on permanent conquests and colonisation, like the Volscians. There were no towns of importance in the land of the Æquians. They lived more after the true manner of the Sabines, in open villages; and from their mountain fastnesses they made their periodical inroads into the neighbouring Latin territory. The wars of the Romans with such border plunderers, even if they were faithfully described, would be of very little historical interest. But the confused, exaggerated, and worthless statements of the Roman annals, with their endless repetitions and tedious monotony, have the effect of destroying even the scanty interest which they might possess if they were truthful pictures of the manners of the time. After examining them carefully, the critic turns from them with something of disgust and with sore disappointment for having lost so much time in seeking to discover a grain of wheat in a bushel of chaff. It will suffice to select one example as an illustration. We take the famous story of Cincinnatus, one of the most famous and most popular Roman heroes of the olden time, the true type of primeval virtue, abstinence, and patriotism. This story is admirably calculated to characterise the general quality of what is supposed to be the history of those wars.[1]

[1] Livy, iii. 25 ff. Arnold, *Hist. of Rome*, i. 201 ff.

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The story of Cincinnatus.

Peace was concluded with the Æquians in the year 459 B.C., and the Romans expected no hostilities on that side. But soon after, the faithless Æquians suddenly invaded the country of Tusculum, and their commander Gracchus Clœlius pitched his camp on the hill Algidus, the eastern spur of the Alban range, from whence he laid waste the land of the Roman allies. Here Quintus Fabius appeared before him at the head of an embassy, and demanded satisfaction and compensation. But Clœlius laughed at the ambassadors, and, mocking them, said, they should lay their complaints before an oak-tree, against which his tent was pitched. Then the Romans took the oak and all the gods to witness that the Æquians had broken the peace, and had begun an unrighteous war.

How the consul Minucius was worsted by the Æquians.

Without delay the consul Minucius led an army against the Æquians. But the chances of war were not in his favour. He was defeated and blockaded in his camp. At this news terror prevailed in Rome, as if the enemy were at the very gates; for Nautius, the second consul, was far away with his army, fighting with the Sabines, the allies of the Æquians.

How Cincinnatus was appointed dictator.

Then there was nothing to be done but to name a dictator, and only one man seemed to be fit to fill the post. That was Titus Quinctius Cincinnatus, a noble patrician, who had filled with distinction all the posts of honour in the republic. He was then living quietly at home, and, like noble Romans of the good old time, cultivated his small estate with his own hands. Now, when the messengers of the senate came to Cincinnatus, to bring him the news that he was nominated as dictator, they found him ploughing his field, and he had taken off his garments, for the heat was very great. Therefore he first asked his wife to bring him his toga, that he might receive the ambassadors of the senate in a becoming manner. And when he had heard their errand, he went with them into the town, accepted the dictatorship, and chose for the master of the horse Lucius Tarquitius, a noble but poor patrician. And he ordered that all the courts of justice should be closed,

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and all common business suspended, till the danger was averted from the country. Thereupon he summoned all men who could bear arms to meet in the evening on the Field of Mars, every man bringing twelve stakes for the ramparts and provisions for five days, and before the sun went down the army had started off and reached Mount Algidus at midnight.

How Cincinnatus surrounded the Æquians.

Now when the dictator saw that they were drawing near to the enemy, he bade the men halt and throw their baggage in a heap, and he quietly surrounded the camp of the Æquians, and gave orders to make a ditch round the enemy and drive in the stakes. Then the Romans raised a loud cry, so that the Æquians were overcome by terror and despair; but the legions of the consul Minucius recognised the war-cry of their countrymen, seized their arms, and sallied forth against the Æquians, who, being thus attacked from both sides, and seeing there was no escape, surrendered themselves and prayed for mercy. Cincinnatus granted them their lives, and dismissed them, making them pass naked under the yoke; but Gracchus Cœlius and the other commanders he kept as prisoners of war, and he divided the spoil among his victorious soldiers. In this manner Cincinnatus rescued the blockaded army and returned in triumph to Rome; and when he had delivered his country from its enemies, he laid down his office, on the sixteenth day, and returned to his fields, crowned with glory and honoured by the people, but poor, and contented in his poverty, as he had been before that time.

Critical examination of the Story of Cincinnatus.

Impossibilities of the narrative.

That this story belongs less to the region of history than to that of fancy is evident from the physical impossibilities it contains. The distance between Rome and the hill Algidus is more than twenty miles. This distance the Roman army under Cincinnatus is said to have accomplished between nightfall and midnight,

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though the soldiers were burthened with three or four times the usual number of stakes for intrenchments.[1] Then, after such a march, the men were set to work to make a circumvallation round the whole Æquian army, which itself inclosed the army of Minucius, and must, therefore, have occupied a considerable extent of ground. The work of circumvallation was accomplished in the same night, uninterrupted by the Æquians, though the Romans at the very commencement had raised a shout to announce their arrival to the blockaded army of Minucius. With these details the story is, of course, mere nonsense. But if, following the example of Dionysius,[2] we strip off from the popular legend all that is fanciful, exaggerated, or impossible, and place the heroic deed of Cincinnatus on such a footing that it assumes an air of probability, we shall gain nothing, because by such a rationalising process we shall not be able to convert a legend into genuine history.

We arrive at the same conclusion by observing the fact that the story of Cincinnatus, in its general and characteristic features, is related no less than five times.[3]

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[1] Polybius, xviii. 1, § 8.

[2] Dionysius, x. 24

[3] The five versions of the story of Cincinnatus are:—

1. In the year 467 B.C., Q. Fabius defeats the Æquians and compels them to sue for peace; they promise to send a contingent of auxiliaries to the Romans (Dionysius, ix. 59). In the year 466 the Æquians break the peace; they invade the territory of the Latins. Q. Fabius is sent to demand satisfaction (Dionysius, ix. 60). In 464 T. Quinctius, being then ex-consul, marches to rescue the Roman army (Dionysius, ix. 63; Livy, iii. 4).

2. In the year 460 Cincinnatus is fetched from the plough to take the consulship (Dionysius, x. 17).

3. In the year 459 Q. Fabius defeats the Æquians, and compels them to sue for peace and to promise a contingent of auxiliaries (Dionysius, x. 24). In 458 the Æquians break the peace and invade the territory of the Latins. Q. Fabius is sent to demand satisfaction (Livy, iii. 25). The Romans are blockaded in their camp. T. Quinctius, as dictator (according to Livy, iii. 26), or as ex-consul (according to Dionysius, x. 23), marches to the relief of the Roman army.

4. In the year 443, the Æquian general Clœlius is blockaded (Livy, iv. 9).

5. In the year 440, Cincinnatus is fetched from the plough to be made dictator (Cicero, *de Senect.*, 10).

It is quite characteristic of a popular legend that it should not be chronologically fixed. The authors of the oldest Consular Fasti seem not to have known

CHAP. V.

Duration of the Æquian wars.

The wars of the Æquians, like those of the Volscians, lasted during the first century of the republic. Sometimes, among the periodical enemies of Rome and Latium, the name of the Sabines occurs—a name by which, in all probability, no other people than the Æquians are to be understood, just as the Volscians are sometimes called Auruncans. We have already noticed it as probable that in some of the family chronicles the name 'Sabine' was employed, instead of the distinctive names of the particular branches of the Sabine stock, and that in this way the Latin war of the year 503 B.C. is also called a Sabine war.[1] Thus the Sabines were now and then introduced into the Æquian wars; and we have no means of knowing where the seats of these Sabines were and what their relation was to the Æquians.

Seizure of the Capitol by the Sabine Herdonius.

This is particularly evident in the story of the seizure of the Capitol (460 B.C.) by the Sabine Appius Herdonius. It is related that Roman exiles and slaves, under the command of Appius Herdonius, surprised and took the Capitol by night; but to which party the exiles belonged is not explained. It is very unlikely that the enemies who seized the Capitol were Roman exiles at all. For, however hot the quarrel between the classes may have been, it is certain that it did not lead to the banishment of great numbers.[2] The mentioning of the slaves is still more mysterious. Revolts of slaves, at a time when there are comparatively but few, are highly improbable. On the other hand, sudden invasions and the taking of strongholds seem not to have been very unusual in the wars of those times. In the year 477 B.C., the Janiculus

it, or to have paid no attention to it. For this reason the great victory over the Æquians is not ascribed to Cincinnatus as consul or regular magistrate, but either as dictator or ex-consul. Popular tales and legends are careless of regular titles and dignities. The great favourites of the people are generally invested with no official rank. The Rolands and the Wallaces are simple knights. Coriolanus never was consul, nor was Horatius Cocles or Scævola.

[1] See p. 106.

[2] Sir G. C. Lewis, *Credibility of Early Roman History*, ii. 173, n. 21: 'There is nothing in the history of the previous years which accounts for the existence of a large body of Roman exiles at this time: the Tarquinian exiles must be supposed to be exhausted.'

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was taken possession of by the Veientes; in the year 459 B.C., the Æquians stormed the fort of Tusculum; and soon after, Corbio was taken by them in the night.[1] Probably it was these Æquians who by a sudden attack took the Roman Capitol, for this occurrence happened just in the midst of the Æquian war. But as P. Valerius, the son of Publicola, was then consul, and was killed at the retaking of the Capitol, the domestic annalist of the Valerians named a Sabine instead of an Æquian, as the enemy who had taken the Capitol. To the Romans, moreover, it appeared less humiliating to think that the Capitol had been taken by Roman exiles, or even by Roman slaves, than that it should have fallen into the hands of the enemies of their country.

Decay of the Æquians.

From the time of the decemvirs downwards, the attacks of the Æquians, like those of the Volscians, decrease in vigour. Rome, after having been on the defensive so long, now takes the offensive, and by degrees gains an undoubted superiority.

[1] Livy, iii. 30.

CHAPTER VI.

THE WARS WITH VEII.

CHAP. VI.

WHILE the wars with the Æquians and Volscians were almost annually repeated in the first century of the republic, and filled the annals with monotonous and tedious narratives, the Etruscans, the northern neighbours of Rome, seem to have lived in peace, and not to have thought of making conquests in Latium. The once powerful nation of the Etruscans was in its decline. Expelled in the north from the valley of the Po by the Gauls, from Campania in the south by the Sabellians, from Latium by Rome and the allied Latins, weakened in the interior by dissensions and divisions, injured in their maritime trade by the rivalry of the Greeks, the Etruscans were no longer in a position to be dangerous to their southern neighbours. The confederation intended to bind together the different Etruscan communities could no more stand the test of dangerous times than similar confederations have done in ancient and modern times. The towns lying to the north took little interest in the fate of those lying to the south; they had always enough to do to ward off the Gauls, who were becoming more and more troublesome. We therefore find Rome from time to time involved in wars with Veii alone, and in wars, too, which on the part of the Veientes were merely defensive.

State of the Etruscans.

In one of these wars (483–474 B.C.) the Roman house of the Fabii plays so prominent a part as to justify the conclusion that the story originated in the family chronicles of this great race, the name of which had not appeared in the Fasti before this time, but which was destined to

Chronicles of the Fabian house.

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leave a lasting impression on the annals of the republic. The particulars of the wars with the Veientes are related in the same manner as the other contemporary wars, and are not a whit more trustworthy. They furnished materials for popular legends, of which the most celebrated was the story of the destruction of the Fabii at the river Cremera.

Kæso Fabius and his kinsfolk on the banks of the Cremera.

The war with the Veientes, says the legend, was more harassing for Rome than dangerous. The Veientes confined themselves to keeping Rome in a continual state of alarm by constant invasions, driving away the flocks, destroying the crops, and cutting down the fruit trees. In order to protect the community from such annoyances, the noble house of the Fabii offered to undertake the war themselves. The consul Kæso Fabius placed himself at the head of his kindred; with 306 men of patrician rank he left the town, followed by the blessings and good wishes of the admiring people. He erected a fortified camp in the territory of the Veientes not far from the chief town of Veii on the river Cremera. From this spot the Fabii made the territory of the Veientes insecure, and at the same time kept the enemy from attacking Rome. But the Veientes enticed them out of their fortress into an ambush, and attacked them from all sides with overwhelming force. Not one of the valiant band escaped. The whole race would have become extinct, if it had not been that one boy had been left behind in Rome, who preserved the name and the race of the Fabii. The memory of the unhappy day on the Cremera was never effaced from the minds of the people. It was remembered that the brave band, on their march out of Rome, passed through the right opening of the Porta Carmentalis, and from that time this passage acquired the name of 'the unlucky way,' and was avoided by all with religious awe.

The Etruscans on the Janiculus.

In consequence of the massacre of the Fabii, the fortune of war turned for a time to the side of the Etruscans. They defeated the consul Menenius, and occupied the Janiculus, from whence they spread alarm and terror in Rome itself. The Romans succeeded at length, after a

severe struggle, in driving them away again from the stronghold of the Janiculus, and, after some time, concluded a truce of forty years with Veii, during which time each people kept within the bounds of its own dominion.

The Veientine wars unhistorical.

The stories of the wars with the Veientes have no greater claim to authenticity than traditions of other wars of that period. Here also we can discover in the accounts two sources of error rather than of historical truth, which combine to make up the commonly received story. We can trace on the one hand the popular legend, and on the other the invention of the annalists. The destruction of the 306 Fabii is wholly and entirely legendary. Legends take but little count of probabilities; they delight in what is most striking, wonderful, and improbable. We have already observed this in the legends of Coriolanus and Cincinnatus. It is no less clear in that which relates to the Fabii. The Fabian house is said to have consisted of 306 men capable of bearing arms, and one boy under the military age. This alone is so unnatural that it tends to condemn the whole story.[1] These Fabii were, in the oldest form of the legend, all patricians. This is plainly an exaggeration, for such a number of men capable of bearing arms in one single house is impossible, especially among the Fabians, who up to this time could only produce as consuls the three brothers Kæso, Quintus, and Marcus. We gain nothing by supposing that among the 306 Fabii the clients of the Fabian house were also reckoned.[2] The story must be taken or rejected as it is. Nor is the statement of Dionysius more than a guess, that the Fabii with the clients numbered 4,000 men, *i.e.* they formed a legion. Another writer,[3] who may have thought that a legion at that time consisted

The numbers of the Fabii.

[1] See Schwegler, *Röm. Gesch.*, ii. 525. How many women and children on an average belong to 306 men capable of bearing arms, may, under certain circumstances, be doubtful. Supposing the number to be only four times that of the men, and the boys to be one-fourth of the women and girls, there would be still 306 of them, instead of one.

[2] This is the opinion of Schwegler (*Röm. Gesch.*, ii. 527).

[3] Festus, s. v. Scelerata porta, p. 334, ed. Müller.

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of 5,000 men, gives that as the number of those who marched out of Rome, and were killed at the Cremera.

Impossibilities in the legend.

Independently of the difficulties presented by the reported numbers and the particular circumstances, the whole proceeding, as it is related, is irreconcilable with the Roman public law, or at least custom. The expedition of the Fabii is an expedition of volunteers, and at their head is the consul for the year. Such a thing was impossible. The consul could only take the field after a formal decree of the senate and the people. The military organisation of the Romans was incompatible with private undertakings[1] of the kind ascribed to the Fabii.[2] It is a sign of a declining state when a war is carried on by officers who have no special commission from their government.

Motives of the Fabii.

For this reason we cannot venture on any conjectures as to the real intentions of the Fabii; whether, as Niebuhr says,[3] they wished to found a sort of private settlement of their own, or whether they wished only to establish a permanent military post, as was customary among the Greeks. The story offers no materials which would enable us to judge of the possible facts which may have given rise to it.

The wars with the Veientes cease from the year 474 B.C. till the war which, in 431 B.C., ended with the destruction of Veii.

[1] Without publicum consilium.

[2] This seems to have been felt by one of the writers. Therefore Dionysius (ix. 15) states, what he no doubt found in one of his authors, that M. Fabius, who commanded the expedition, was ex-consul; and Livy (ii. 48) relates that a senatus-consultum approved of the plan of K. Fabius. According to a statement of Festus (s. v. Religioni est, p. 285, ed. Müller) this senatus-consultum was made in the temple of Janus before the Porta Carmentalis. But according to Tacitus (*Annal.*, ii. 49) this temple was only built in the second Punic war by C. Duilius. The story, or at least that part of the story which spoke of the senatus-consultum, could not therefore be older than the time of the second Punic war.

[3] Niebuhr, *Röm. Gesch.*, ii. 219; English translation, ii. 193.

CHAPTER VII.

THE AGRARIAN LAW OF SPURIUS CASSIUS.

CHAP. VII.

Theories of property in land.

THE soil of a country is not the produce of human labour. Individual citizens cannot therefore naturally lay any claim to lawful property in land as to anything produced by their own hands. The state, as the representative of the rights and interests of society, decides how the land is to be divided among the members of the community, and the rules laid down by the state to regulate this matter are of the first and highest importance in determining the civil condition of the country and the prosperity of the people. Where the land is considered the property of the sovereign, the consequence for the people is abject poverty and slavery. If only one class among the people is privileged to have property in land, a most exclusive oligarchy is formed. Where the land is held in small portions by a great number, and nobody is legally or practically excluded from acquiring land, there the elements of democracy are provided.

Rights of conquest.

According to the strict right of conquest in antiquity, the defeated lost, not only their independence, but, if the conquerors thought proper, their personal freedom, their movable and landed property, and even life itself. In practice a modification of this right took place in the interest of the conquerors themselves. Extreme severity was applied only in extreme cases; for instance, as a punishment for treason. The conquered had generally not only life and freedom left them, but also the means of livelihood, *i.e.* some portion of their land. The conquerors did not take the whole, but either one-third, or a half, or two-thirds, according to circum-

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stances.[1] Such we must imagine to have been the proceeding at the foundation of the Roman state. One portion of the original inhabitants which the Sabine conquerors found there[2] probably remained in possession of their hereditary farms, subject to no restrictions and services save those which the state required of all its members, such as serving in the field and contributing the war taxes. These people formed the nucleus of the plebs—the freemen who were members of the Roman state without actually having any political rights.[3] The land which the victors took from the vanquished being partly arable, but to a far greater extent pasture land, was either cultivated by the conquerors with their own hands, or given for cultivation to the former possessors on condition that they should pay part of the produce as rent. In this way arose the clientela, the social, political, and economical dependence in which a great part of the plebs stood with regard to the patricians, and which could remain in its original vitality only so long as the clients depended for their subsistence on land held not as freehold, but by an imperfect title, and subject to the seignorial rights of their patrons. The extent of the plebeian farms in the oldest times is stated to have been two jugera.[4] This statement may the more readily be accepted as derived from authentic tradition, since the same amount of land was repeatedly given in historical times to the settlers in new colonies.[5]

[1] See Schwegler, *Röm. Gesch.*, ii. 404, Anm. 2, 3.

[2] The settlement effected by the Sabine conquerors in Rome was no doubt modified in the time of Etruscan supremacy, but it was not entirely abolished. The legends of Tarquinius point to a tradition that he left the existing Sabine division of the people, and merely added to the ruling patrician houses an equal number, probably, of Etruscans. When, however, the Sabino-Latin race rose against the Etruscans, the foreign element was cast out and the old settlement restored.

[3] Like the *cives sine suffragio* of later times.

[4] A Roman jugerum was somewhat less than two-thirds of a statute acre. Varro R. R., i. 10: 'Bina jugera a Romulo primum divisa viritim.' Pliny, *Nat. Hist.*, xviii. 2. Paul. Diac, s. v. centuriatus ager, p. 53, ed. Müller. Respecting the extent of the patrician estates, we have no sure evidence. Appius Claudius indeed is stated (Plutarch, *Poplic.*, 21) to have had assigned to him twenty-five jugera, but the statement seems to deserve no credit.

[5] Livy, iv. 47; viii. 21. See Schwegler, *Röm. Gesch.*, ii. 417.

So scant a measure of arable land would scarcely have sufficed for the support of a family, without a share in the common pasture. It may therefore be taken for granted that the plebeians had the right to use the common pasture on paying a tax to the state.[1]

Claims of the patricians.

As long as the people of Rome depended less on agriculture than on the breeding of cattle,[2] these regulations were natural and satisfactory. But with the advance of civilisation, agriculture was developed more and more, and as population increased, the grazing lands belonging to the government were inclosed by degrees.[3] The plebeians now found themselves exposed to a double hardship. In the first place, the pasture lands being brought into cultivation, the extent of land available for grazing became smaller, and, in the second place, the patricians claimed the exclusive right of inclosing and occupying (*occupatio*) public land (*ager publicus*).[4] This claim might be allowed, and, to a certain degree, be well founded, as long as the patricians alone formed the people (the *populus*) and bore the burdens of the state. But when the plebeians were gradually made to take their share in the military service, and when the Servian constitution substituted for the old patrician populus a new people, consisting of plebeians and patricians alike, the time for making a distinction between patricians and plebeians in the use of the public land had passed. Its occupation ought to have been granted to the plebeians as a right, or it should have been divided fairly among all the citizens, and the pernicious custom of occupation should have been abolished.

[1] It is very doubtful if the patricians also were subject to this tax. The pasture was emphatically *ager publicus, i.e., ager populi*, and the patricians, constituting the *populus*, might look upon it as their peculiar property. At any rate, if they were legally subject to a tax, it is certain that the law was not inforced.

[2] Cicero, *De Rep.*, ii. 9, 16. Schwegler, *Röm. Gesch.*, i. 619, Anm. 1.

[3] Under the system of slave labour which prevailed afterwards, the very opposite tendency prevailed, viz., that of changing arable land into pasture.

[4] This explains the clause of the lex Thoria c. 10, lin. 25: 'Ne quis in agro compascuo agrum occupatum habeto, neve defendito, quo minus, qui velit, compascere liceat.'

BOOK II.

Occupation of public lands.

This system of occupation or squatting, in which every one may take possession of the land which he chooses, appears possible only where there is uncultivated land in abundance,[1] and where the state offers undisturbed possession to the cultivator as a premium upon cultivation. Where, however, the reserved land is limited in quantity, and where the population has urgent need of it for purposes of agriculture—in other words, where land has a high value—disputes cannot possibly be avoided among those who wish to take possession, without the enactment of very precise rules and regulations, directing the process under which occupation is to take place. What these rules and regulations were in Rome we have no means of judging, as they are never even hinted at by the historians. We only know that the law sanctioned the occupation of waste and uninclosed land, and that it protected the *bonâ-fide* occupier in his possession, without, however, acknowledging his possession as property. The state remained the owner of the public land, even after it was occupied by individual citizens. It had the right to impose an annual tax, as an acknowledgment of its paramount right of ownership, and it could at any time re-enter into possession and compel the occupiers to restore the land, without even a claim to compensation.

Claims of the plebeians.

The right of occupation was claimed, as we have seen, by the patricians for themselves. The plebeians, however, did not allow this claim, and always called this proceeding of the patricians a crying injustice.[2] Out of these conflicting interests arose the quarrels about the agrarian laws, which extend through the whole republican period, and mark a very sore spot in the social system of the Romans.

Agrarian law of Sp. Cassius.

Already in the history of the regal period we hear much of allotments of land to the citizens.[3] None of these

[1] Roscher, *Grundlagen der Nationalökonomie*, § 88, Anm. 1.

[2] Livy, ii. 41; iv. 51, 53; vi. 39.

[3] Such allotments are ascribed to Romulus (Plutarch, *Romul.*, 27), to Numa (Cicero, *De Rep.*, ii. 14; Dionysius, ii. 62), to Tullus Hostilius (Dionysius, iii. 1), to Ancus Marcius (Cicero, *De Rep.*, ii. 18), to Servius Tullius (Livy, i. 46).

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accounts, however, have any weight. The first apparently credible mention of an agrarian law belongs to the third consulship of Sp. Cassius, 486 B.C. Although this law must have been of the greatest importance, although it was the cause of the death of Cassius, and, year after year, gave rise to the agrarian agitations of the tribunes, we know really nothing of its contents, and must be satisfied with conjecture. Sp. Cassius, in proposing it, was in opposition to the ruling party in the senate, as, after the expiration of his year of office, he was called to account, and fell a victim to the vengeance of his fellow-patricians, who made his fate a warning example for all members of the aristocracy that should feel inclined to place the well-being of the state higher than the advantage of the ruling class. It seems probable, therefore, that Cassius brought his agrarian law before the people without the consent of the senate, which he was legally justified in doing. But though the law was sanctioned by the comitia without the concurrence of the senate,[1] it could not be carried into effect without the approval of the senate, the *patrum auctoritas*. If Cassius attempted to do this, or if, in calling the people together and laying his bill before them for acceptation, he was opposed by his colleague, and, regardless of this veto, persisted in his course, he was guilty of an infringement of the law which may have been the plea for his condemnation.

486 B.C.

Different accounts of this law.

How confused, wild, and thoughtless are the stories of the Roman annalists which refer to this period is plainly seen from the accounts which Livy and Dionysius give of the measure of Spurius Cassius.

The narrative of Livy.

According to Livy,[2] Cassius conquered the Hernicans, and concluded a treaty with them, by which they gave up two-thirds of their land. This land Cassius proposed to divide between the Latins and the Roman plebs. The plebeians would have had no objections to urge, if it had

[1] See above, pp. 135, 139.

[2] Livy, ii. 15.

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been proposed that they alone should have the conquered land, but they could not make up their minds to share it with the Latins, and therefore they condemned Cassius to death; although, apart from the intended boon of the agrarian law, he had thought to win their favour by proposing that the money which they had paid for the corn sent from Sicily in the year of the famine should be restored to them. The whole of this story is mere moonshine. The war with the Hernicans was invented to account for the well-known treaty with them, as we have already seen,[1] and the alleged proposal to divide the money paid for the Sicilian corn among the plebs is as unauthentic as the whole story of the famine of the year 493 B.C., as the conquests of Coriolanus, and as the gift of the Sicilian tyrant. Perhaps Niebuhr is right in his ingenious conjecture that this feature of the story was borrowed from a similar proposal of C. Gracchus in 122 B.C., and was therefore of very recent date.[2]

The narrative of Dionysius.

Still wilder than the account of Livy is that of Dionysius.[3] According to him, Sp. Cassius proposed to give away two-thirds of the Roman public land to the Latins and Hernicans, and to divide the remainder among the Roman plebs. This astounding misrepresentation is, like the report of Livy, an inference from the same treaty of Rome with the Latins and Hernicans. And in the story of Dionysius also we can trace, as in that of Livy, a reminiscence of the civil disturbances of the second century B.C. Dionysius says that Cassius, in order to carry his law, invited the Latins and Hernicans to an assembly of the Roman people, and that, by an edict of the consul Virginius, they were prevented from taking part in the Roman comitia. This feature of the story is plainly borrowed from the year 123 B.C., not less than 363 years later, when C. Gracchus invited the Latins and the Italian allies to come to Rome to vote, and when the

[1] See above, p. 155.
[2] Niebuhr, *Röm Gesch.*, ii. 190; English translation, ii. 168.
[3] Dionysius, viii. 69.

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Consul Fannius ordered them to leave the town. Such are the reports of one of the most important measures, which gave the first impulse to an agitation calculated to shake the republic to its very foundations. We know with certainty nothing more than the fact that an agrarian law was proposed by Sp. Cassius and frustrated by the patricians; and we can only suppose that that far-seeing statesman proposed what subsequently the plebs perseveringly struggled for, viz., a limitation of the exclusive right of the patricians to occupy the public land, and the admission of all citizens to a share in what was thus rescued from the grasping monopoly of the privileged class.

The death of Spurius Cassius.

As to the end of Cassius, our authorities are partly contradictory, partly so vague that we are obliged to give up altogether the attempt to understand it, or to rest content with conjecture. It is universally reported[1] that Sp. Cassius, after the expiration of his third consulship, was accused by the quæstors L. Valerius and K. Fabius of trying to obtain absolute power, but we are left quite in the dark as to the comitia that tried him. It is not likely that he was condemned in an assembly where, as in the comitia of centuries, the plebeians were numerous; for, in spite of all that Livy has to say about the discontent of the plebeians on account of the liberality of Cassius to the allies, he acknowledges that they suffered a defeat in his condemnation. It is, therefore, most likely that Cassius was accused before the patrician curiæ, and judicially murdered by the exasperated party of the nobility, under the always ready and easily proved accusation of an attempt to obtain absolute power.[2]

There was, however, another, and a totally different, account about the end of Sp. Cassius, namely, that he was

[1] Cicero, *Philipp.*, ii. 44, 114: 'Sp. Cassius propter suspicionem regni appetendi est necatus.' Cicero, *De Rep.*, ii. 35, 60. Livy, iv. 15. Dionysius, viii. 77, 87; ix. 1, 3, 51; x. 38. Diodorus, xi. 37.

[2] As the assembly of the curiæ had to invest the magistrates with the *imperium*, the same assembly might very properly be considered entitled to judge what use the magistrates had made of the *imperium*.

BOOK II.

sentenced and put to death by his own father.[1] It is difficult to say what we are to think of this story; we see, however, in it a new and striking example that the sources of our information are still far from being clear, consistent, and trustworthy.

[1] Livy, ii. 41. Valer. Maxim., v. 8, 2.

CHAPTER VIII.

THE DEVELOPMENT OF THE CONSTITUTION BEFORE THE DECEMVIRATE.

CHAP. VIII.

THE establishment of the tribuneship of the people had apparently introduced no new principle into the constitution of the republic. The authority of the patrician consuls, of the patrician senate, of the assembly of centuries, in which the patricians were paramount, remained what it had been before. The plebeian magistracy of the tribunes of the people was intended only to inforce the carrying out the law which granted lawful protection to the plebeians. It was, therefore, not hostile to the spirit of the old constitution, but rather in conformity with it.

State of affairs after the establishment of the tribuneship.

Yet, in spite of this apparent preservation of the old institutions of the state, the beginning was made of a great revolution. The plebeians had already become so important a body that the apparently small privilege which secured to them nothing more than the right of protection became a weapon in their hands, by which they could gradually obtain full and equal rights with the old citizens. In the first place, the election of plebeian magistrates by the plebs was formally acknowledged and recognised by the patrician consuls and senate. This implied the recognition by the state of the plebs as a distinct and legally constituted body, as one of the constituent parts of the Roman people. The plebeian tribes, no doubt, had been self-governing bodies from the very beginning; and had managed their own affairs in their plebeian assemblies, without interference on the part of the patricians; but of

Recognition of the plebs by the populus.

BOOK II.

their proceedings hitherto the consuls and the senate had taken no notice. Their resolutions had had no more weight or legal effect on the officers of the state than the resolutions carried by an association or society not recognised by law or not invested with political functions. The chief officers whom the plebeians had hitherto chosen for themselves were not invested with any authority to co-operate with or to control the patrician magistrates; they were, in the eyes of the latter, nothing more than private individuals. This was altered now. Since the representatives of the plebs were, by a solemn covenant with the patricians, endowed with specified rights and functions, which could not be ignored by the patrician magistrates, and since their persons had received a special dignity and inviolability, the elections of the plebeian officers were binding on the whole state, and the plebeian comitia as such took a part in the political transactions in which the sovereignty of the Roman people was expressed. The immediate consequence of the tribuneship of the people was the organisation of the assembly of tribes, the *comitia tributa*, whereby they lost their former character as factional or party meetings, and were raised to the dignity and functions of assemblies of the Roman people.

The comitia of tribes.

In what way this constitution of the comitia of tribes was effected cannot be shown with certainty. Even the mode of election adopted for the first tribunes during the secession, and for their successors until 471 B.C., is by no means ascertained beyond doubt. Livy,[1] who often carefully avoids or skilfully conceals difficulties, does not say by which assembly the first and the succeeding tribunes were elected, and in his account of the year 471 B.C. he mentions for the first time that, in consequence of the Publilian law, the tribunes were from this time forward elected in the comitia of tribes. Dionysius,[2] who endeavours to compensate for the deficiency of his sources by his rich imagination, states that the first tribunes were

[1] Livy, ii. 38.

[2] Dionysius, vi. 89; ix. 41.

elected in the comitia of curies; and Cicero,[1] who is not always a trustworthy witness on Roman antiquities,[2] agrees with him in this statement.

Theories of modern writers.

Modern historians have ventured to question this account, especially on the ground that the patrician comitia of curies would hardly have been suitable to choose the representatives of the plebeians, whose special duty it was to act as a check on the unfairness of the patrician magistrates. In truth, this view can be held by those only who accept the theory of the ancient writers, that the comitia of curiæ in the regal period were of a democratic nature, and included the plebeians. Yet, even this theory does not remove all doubts. Above all things, we may naturally ask how it happened that this assembly of the curies, which, since the establishment of the republic, was superseded in all legislative and elective functions by the assembly of centuries, was revived for the purpose of serving for a newly established office like that of the tribunes.[3]

Antiquity of the tribuneship.

After duly weighing all the arguments that can be brought forward in favour of the different modes of electing the first tribunes, we come to the conclusion that the plebeians, who before this period had no other assemblies than those of their tribes for the election of their own plebeian officers, made use of the same comitia tributa for electing the tribunes, who were in all probability their old officers invested with new rights, and now for the first time formally recognised by the patricians, as representatives and patrons of the plebs. The assemblies of the local tribes thus attained an importance which they had

[1] Cicero, *Pro Cornel.*, fr. 23.

[2] He says, in the same passage, that the number of tribunes was ten from the first establishment of the office downwards, but he is quite alone in this statement.

[3] Mommsen modifies this theory by the hypothesis that the plebeians had curiatic assemblies of their own for the purpose of electing the tribunes. This hypothesis is unsupported by any plausible reasons or any evidence. Equally improbable is the election of tribunes in plebeian comitia of centuries or by co-optation.—Schwegler, *Röm. Gesch.*, ii. 537 ff.

BOOK II.

never had before, and it was most natural that the patricians, who, according to their places of residence, were, like the plebeians, included in the local tribes, laid claim to have a share in the choice of the tribunes.

The Publilian law. 471 B.C.

If the plebeians had agreed to this, the tribuneship of the people would have changed its character altogether. Under the influence of the patricians it would not have remained the weapon of offence and defence of the plebeians. It would have become a common magistracy of all citizens of Rome, and would not have been a wedge driven in between the two principal elements of the Roman people, destined to keep them distinct and at enmity one with another. The patricians often made the attempt[1] to amalgamate these two elements. Whether they themselves frustrated their own object by having the interest of their class more at heart than the common weal, we do not know. But this is possible, and even probable, and they were therefore most to blame for the continuance of a schism which their cruelty and oppression had called forth. The circumstances which, in 471 B.C., led to the passing of the Publilian law, seem to indicate that even at that time the attempt was made by the patricians to change the original character of the tribuneship of the people, and to open it to the patrician class. The patricians intruded themselves in the assembly of the plebeians,[2] surely not for the purpose of making a disturbance, as it is represented, but to enforce a contested right, by which they claimed to take part in the comitia of tribes. Their claim affected the organisation of the comitia materially, and it was of the greatest importance to decide, once for all, how these should be constituted, and what privileges they should have. This question was decided by the Publilian law, which excluded the patricians from the comitia tributa,[3] and specified the privileges of these comitia, now admitted to be purely plebeian. To these

[1] See chap. ix.

[2] Livy, ii. 56.

[3] Livy, ii. 60: 'Plus dignitatis comitiis ipsis detractum est patribus ex concilio summovendis quam virium aut plebi additum aut demtum patribus.'

privileges belonged the right of discussing all questions affecting not only the plebeian order but the community at large, and the right of electing the plebeian magistrates, including, of course, the tribunes of the people.

The Publilian law was, therefore, not so much a further acquisition of the plebeians, as a legal interpretation of the rights which belonged to them in consequence of the sacred laws. These were the right of meeting together unmolested in separate purely plebeian comitia, the right of freely and independently electing their representatives, the right of discussing and settling their own affairs, and in certain matters of passing resolutions which affected the whole community. These resolutions were of course not binding on the state, they had more the character of petitions than enactments, but still they were the formal expression of the will of a great majority of the Roman people, and as such they could not easily be set aside or ignored by the patrician government. It was natural that in a short time a custom should spring up regulating the manner in which such resolutions were to be laid before the senate. Once introduced into the senate, the resolutions of the tribes were launched on the road which all the laws of the state had to pass, and so it was possible that, without any further legal privileges, the tribunes of the people participated in the sovereign right of legislation through the assembly of tribes.

The Terentilian laws.

The first use of this right was made by the plebs, under the direction of their tribunes, for the purpose of passing the Terentilian rogations.

CHAPTER IX.

THE DECEMVIRS AND THE LAWS OF THE TWELVE TABLES. 451 B.C.

BOOK II.

Plebeian ignorance of law.

BY the treaty of peace concluded by the two orders of citizens on the Sacred Hill, the demand of the plebeians not to be subject to the caprice of the patrician government, but to the existing laws, was granted. As a guarantee of this legal position they received the consecrated magistracy of the tribunes. But when the tribunes were called upon to put their veto upon any unfair or illegal decision of the patrician magistrates, they found themselves insufficiently acquainted with the law, and it was no doubt easy for the patricians, by appealing to a law known and accessible only to themselves, to frustrate the intercession of the plebeian tribunes.

Foundation of patrician authority.

The knowledge of law was guarded as a sacred mystery from the profane eye of the plebeians. It was cultivated in the patrician families as a kind of secret science, and, like the precepts of a priesthood jealous and ambitious of power, it was strictly preserved from being written down and published.[1] This exclusive possession of the principles and formulæ of law was one of the greatest supports of patrician authority, and kept the ignorant masses in a state of dependence from which even the protection of the tribunes was not able to deliver them.

Need of

It could not, therefore, be long after the establishment

[1] A striking example of the jealousy with which the ruling class kept the laws from the knowledge of the subject population is contained in the Brahminical law, which ordains that 'if a Sudra even listened to the reading of the sacred books, burning oil was to be poured into his ears; if, however, he committed them to memory, he was to be killed.'—Buckle, *Hist. of Civilisation*, i. 71.

of the tribuneship before the plebeians felt the necessity of putting an end to the exclusive possession of the laws which the patricians enjoyed, and to make them the common property of the whole nation. This could only be done by writing them down and making them public. A proposal was accordingly made in the assembly of the tribes by the tribune C. Terentilius Arsa (462 B.C.) to appoint a commission for the purpose of committing to writing the whole of the laws. The proposal was by no means revolutionary; it was, on the contrary, conservative. A reform of the state,[1] like that which Solon was commissioned to effect in Athens, was not contemplated by the movers of the law. The proposal did not at first affect the constitution at all, but only the civil law. Nor was it intended that this should be remodelled after new principles. Nothing was proposed but a codification and publication of the law which was then in force. Such a work is, indeed, not easy, even under the most favourable circumstances, and it is a convincing proof of the spirit and strength of will of the Roman plebs that they so early insisted on carrying a measure not less difficult than salutary.

written laws.

It is not wonderful that the patricians opposed with all their strength a measure which would wrest a most powerful weapon out of their hands. As yet the plebs had no share in the regular course of legislation. Their representatives, the tribunes, had neither the right to summon the senate, nor to lay before it proposals respecting new laws. In all probability they were not even entitled to enter the hall of the senate, and had to be satisfied with the modest privilege of listening outside to the proceedings. They could indeed speak to their fellow-plebeians in public meetings of the necessity of the proposed reform, and so they could exercise a pressure on the

Resistance of the patricians.

[1] Livy (iii. 9, 24) dwells especially on the fact that the reform was intended to limit the consular power. This, however, does not imply that the nature of the consular office was to be modified. All that was intended or expected was to prevent abuse of power. For the origin of the story of the commissioners sent to them to study the Greek law, see p. 79, and below, p. 252.

BOOK II.

senate and the patricians, but the decisions in the assembly of tribes were not binding and might be ignored by the senate. Only, as they expressed the opinion of the great majority of the Roman people, which, if entirely disregarded, might possibly lead to a violent revolution, they exercised on the better and more intelligent part of the nobility an influence that, under continued agitation, promised success. For this reason the contest for the passing of the bill of Terentilius lasted, according to tradition, not less than ten years, and all means of open and secret opposition and of partial concession were made use of to elude the claims of the popular party. The attacks of foreign enemies, of the Volscians and Æquians, which just at this time were most alarming, often supplied the patricians with a plea for letting internal dissensions rest for a while. This was the period when the Volscians penetrated into the heart of Latium, and broke up the Latin league. Even Rome, no longer protected and shielded by Latium, was exposed to the attacks of the enemy. The Æquians succeeded one night in gaining possession of the Capitol by a bold assault,[1] while the patricians and plebeians were in the midst of their civil dissensions. Such events were eminently calculated to convince even the staunchest patricians that it was high time to conciliate the warlike plebeians, and to put an end to the internal dissensions of the republic. They contributed, no doubt, to give the necessary weight to the popular demands, and to smooth down difficulties which might be involved in any irregularity or informality in the mode of proposing the law.

Patrician concessions.

We hear, therefore, of various concessions made by the patricians before they accepted the principle of the new law. Among these must be reckoned the increase of the tribunes from five to ten (457 B.C.), by which a greater number of plebeians came within reach of the protection of the tribunes;[2] moreover, the giving up of the Aventine

[1] See p. 169.

[2] Mommsen (*Röm. Gesch.*, i. 283; English translation, i. 289) looks upon this increase of the number of tribunes as a measure of 'very questionable value

hill[1] to the sole use of the plebeians, a measure by which the patrician possessions on that hill were resumed by the state, and portioned out to plebeians. Shortly after this (454 B.C.) a law[2] was proposed by the consuls themselves, *i.e.* the patrician party, which, quite in the spirit of the Terentilian proposals, regulated the amount of fines which the consuls should have a right to inflict, and thus limited, in one direction at least, the consular authority. The maximum was fixed at two sheep and thirty bullocks, a measure which casts a light on the domestic condition of Rome at this period, and shows that we must picture Rome to ourselves as engaged in agriculture, and far removed from an imposing town life. It was not till twenty-four years later that these fines were fixed in money.

The decemviral commission.

But all these concessions failed to satisfy the plebs. Although Terentilius, the original proposer of the motion, is never named again after the first year, and may therefore be supposed to have died, his proposal was taken up by the succeeding tribunes year after year. It is possible that, during the course of these years, some modifications were made in the original motion. Still we may presume that, essentially, it remained the same, as eventually, after a ten years' struggle, it was passed into

for the plebs, because it made it easier for the patricians to secure one or several of them to support the patrician interest.' Schwegler (*Röm. Gesch.*, ii. 595) expresses the same opinion. But surely the plebeians understood their own interests sufficiently not to accept as a boon what was really an insidious attack on their order. The fact is that as yet the tribunes did not act in their collective capacity, but each tribune acted separately, and their duty consisted all but exclusively in rendering legal aid to plebeians.

[1] By the lex Icilia de Aventino publicando 456 B.C. Of this law we know in reality nothing but the name, for the detail given by Dionysius is of his own invention. If we are to believe the stories of the regal period, the Aventine was even then the plebeian quarter of Rome (Livy, i. 33. Schwegler, *Röm. Gesch.*, i. 605. Sir G. C. Lewis, *Credibility of Early Rom. Hist.*, ii. 183), and therefore could not be covered with fields and woods. It is difficult to imagine how the patricians could, under such circumstances, have had possessions on the Aventine. Yet we have no alternative but to suppose that such was the case. Perhaps the Icilian law had the effect of making the plebeian holdings on the Aventine freehold property, whereas they had previously been held by the client tenure.

[2] The lex Aternia Tarpeia.—See Schwegler, *Röm. Gesch.*, ii. 608 ff.

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law. It proposed that a commission of ten men, being partly patricians and partly plebeians, should be appointed, for the purpose of arranging the existing law into a code.[1] At the same time the consular constitution was to be suspended, and the ten men to be intrusted with the government and administration of the commonwealth during the time that they acted as legislators. By the same law the plebeian magistracy of the tribunes of the people ceased likewise, and the ten men became a body of magistrates intrusted with unlimited authority. The Romans thought that the difficult task of compiling a code could not be accomplished unless those who were intrusted with it were unfettered. More especially the tribunes of the people, whose particular function and duty it was to act as a check on the magistrates, might have frustrated the whole scheme of legislation, if it had not been agreed to suspend the office of tribunes for a time.

Election of ten patricians.

But the patricians did not act entirely in good faith. Confident of their influence in the assembly of centuries, they consented that men of both orders should be eligible for the office of decemvirs, but, this done, they carried the election of ten patricians.[2] The plebeians, therefore, were without their tribunes, and found themselves and their interests at the mercy of ten patrician magistrates. Having, however, obtained this advantage over the credulity of their opponents, the patricians made no attempt to use it insolently as a party victory. The decemvirs proceeded with wisdom and moderation. Their administration, as well as their legislation, met with universal approval. They published on ten tables the greater part of the Roman law, and after these laws had met with the approbation of the people, they were declared by a decision of the people to be binding.

The first and second years of

Thus the first year of the decemvirate passed, and so far the traditional story is simple and intelligible. But what

[1] According to Livy (iii. 9) the original motion of Terentilius was, to nominate a commission of five plebeians only.

[2] See Mommsen, *Forschungen*, p. 296.

the decemvirate.

now follows is so confused and unnatural that we must suspect it to have been largely corrupted by idle tales and partial misrepresentations. It runs as follows:—The decemvirs had not quite finished their task. It was therefore agreed to choose decemvirs for the following year also, that the statutes might be completed. The patricians made the greatest efforts to elect the most eminent men of their order into this commission, and these candidates availed themselves of the usual means for obtaining the votes of the people. But a formidable rival came in their way, no other than Appius Claudius himself, who was regarded as the principal support of the patricians. This man had been a member of the first decemvirate, and had decidedly taken the lead in it. He now conducted himself as a sincere friend of the people, and contrived to obtain adherents among the leaders of the plebeians, the Icilii and Duilii, the former tribunes. To prevent his re-election, his patrician colleagues conferred on him the office of presiding at the comitia, hoping that he would observe the usual custom, and, as presiding magistrate, would not accept votes for himself. But this *ruse* did not succeed. Appius Claudius not only allowed himself to be elected, but also frustrated the election of the principal patrician candidates. Thus the result of the election was that, besides Appius Claudius, only men of inferior weight among the patricians obtained seats in the commission, and that half of the members were plebeians. The new decemvirs had, however, scarcely entered office when they began a perfect reign of terror. They appeared on the Forum with a band of a hundred and twenty lictors, and these carried axes among their rods as a sign of unlimited power over life and death.[1] Nor was it only for show, or to inspire terror, that Appius and his fellow-decemvirs

[1] Livy, iii. 36: 'Decem regum species erat multiplicatusque terror non infimis solum sed primoribus patrum . . . Aliquamdiu æquatus inter omnes terror fuit; paullatim totus vertere in plebem cœpit, abstinebatur a patribus; in humiliores libidinose crudeliterque consulebatur.' Cap. 37: 'Et iam ne tergo quidem abstinebatur: virgis cædi, alii securi subiici; et ne gratuita crudelitas esset, bonorum donatio sequi domini supplicium.'

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assumed this emblem of regal authority. Neither the lives nor the property of the citizens, especially the plebeians, were safe from their tyranny and greed. The senate was hardly summoned at all. They ruled like ten kings, and their caprice was their only law. They gave so little thought to the completion of their task, that only towards the end of the year did they draw up two more tables of laws, to be submitted to the assembly of the people.

The stories of Siccius and Virginia.

When their time of office expired, Appius and his colleagues declined to abdicate.[1] Their rule was now an undisguised tyranny. No one, however, dared to oppose them, until by two acts of infamy they excited the people to take up arms against them. A war had broken out with the Sabines and with the Æquians. While Appius, with one of his colleagues, carried on his rule of terror in the town, the remaining decemvirs led the army into the field. Here they caused a brave soldier, named Siccius, formerly a tribune of the plebs, who by his repeated complaints against the tyrants had roused the discontent of the people, to be murdered. Meanwhile, in Rome, Appius Claudius broke his oath and the law by pronouncing a wilfully false sentence from the seat of judgment. He declared a freeborn Roman virgin, the daughter of Virginius, to be a slave and the property of one of his clients, whom he had suborned to claim the girl, in order that he might get her into his own power. Virginius, seeing no way of shielding his daughter from disgrace and dishonour, killed her before the judgment-seat of the tyrant and before the eyes of the people. A storm now broke out against the decemvirs, which they were not able to withstand. The senate took courage and compelled them to resign. The people left Rome in a body, went a second time to the Sacred Hill, and did not return till the old constitution and the sacred laws had been re-established and the tribuneship of the people restored. The decemvirs suffered for their crimes.

[1] Livy, iii. 51: 'Decemviri querentes se in ordinem cogi, non ante quam perlatis legibus, quarum causa creati essent, deposituros imperium se aiebant.'

Appius Claudius and Spurius Oppius, the most guilty of his accomplices, were accused of having broken the laws, and died in prison by their own hands. The rest were punished with banishment and forfeiture of their property.

The narratives of Livy and Dionysius.

This is, in a few words, the story which Livy and Dionysius[1] have ornamented with a great mass of rhetorical detail. Unfortunately we have no full report of the events independent of these two narratives,[2] and we are obliged to use the few faint hints given us to shape the crude mass of confused and conflicting statements into something which can be accepted as at least a possible history of the time.

Conduct of Appius.

We start from the peculiar part which Appius Claudius played during the decemvirate. Though he is painted in the glaring colours which mark all the Claudii of the older annals as enemies of the plebeians, yet he appears nevertheless in Livy's account to be decidedly opposed to the ultra-patrician party. He even enjoys the favour of the plebs, and thereby exercises the chief influence among the decemvirs of the first year.[3] He has become entirely a friend of the people;[4] he agitates against the nobles, and for the candidates of lower station and less influence;[5] he associates with the leaders of the plebs, the former tribunes.[6] Thus he not only brings about his own re-

[1] Livy, iii. 33–54. Dionysius, x. 54–xi. 45. See a fuller account, containing all the variations, in Sir G. C. Lewis's *Credibility of Early Roman History*, ii. 196 ff.

[2] The account of Zonaras (vii. 18) is too scanty. The story of Virginia was very popular in Rome, and is referred to by numerous writers; but even if it be allowed to be more than an anecdote, it throws no light on the nature of the decemviral legislation, and the accompanying facts.

[3] Livy, iii. 33: 'Regimen totius magistratus penes Appium erat favore plebis.'

[4] Livy, iii. 33: 'Adeo novum sibi ingenium induerat, ut plebicola repente omnisque auræ popularis captator evaderet, pro truci sævoque insectatore plebis.'

[5] Livy, iii. 35: 'Criminari optimates, extollere candidatorum levissimum quemque humillimumque.' The humillimi must be understood to have been plebeians, though Livy does not, like Dionysius, expressly state the fact that among the members of the second decemvirate there were plebeians.

[6] Livy, iii. 35: 'Ipse medius inter tribunicios Duilios Iciliosque in foro volitare, per illos se plebi venditare.'

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election, but frustrates the nomination of the most zealous and influential patricians.[1] Finally he succeeds so far that three plebeians are chosen among the second decemvirs.[2] These features of the story, in which Appius bears a character differing so widely from that usually ascribed to the Claudii, deserve the more credence as it would have been easy to describe Appius Claudius in the whole story as a consistent enemy of the plebs. It appears, therefore, that in the traditions respecting the decemvirate, the democratic principles of Appius Claudius were too distinctly and too strongly expressed to allow the annalists to exhibit him in this respect with the traditionary characteristics of his family. If, therefore, we may believe any one single feature of the story, it is this prominent importance of Appius Claudius in a policy carried out in opposition to the wishes of the narrow-minded and short-sighted nobility.

Motives of Appius.

What then, we may ask, was the intention of Appius Claudius? It is clear that he could not have been, as he is represented, at one and the same time, an enemy of the leaders of the nobility and a tyrannical oppressor of the common people. The two characters cannot be united in one person. From whom could Appius and his adherents have expected support, if they had estranged both nobles and people? Here is evidently a perversion of the truth, and we must decide whether we wish to accept the account of his enmity or of his friendship for the people. If it be admitted that, through the influence of Appius Claudius, three plebeians were elected among the second decemvirs, and the leaders of the extreme patrician party excluded, his intention must have been, in the spirit of the Terentilian law, to establish harmony between the two orders.[3] At

[1] Livy, iii. 35: 'Delectis honore per coitionem duobus Quinctiis, Capitolino et Cincinnato et patruo suo C. Claudio, constantissimo viro in optimatum causa, et aliis eiusdem fastigii civibus, nequaquam splendore vitæ pares decemviros creat.'

[2] Whilst Livy does not distinctly mention plebeian decemvirs, but speaks only of some of them as levissimi and humillimi (see preceding page, note 5), Dionysius reports that three of them were plebeian.

[3] Compare Dionysius, x. 54: Εἰσῆλθε γάρ τις τὸν Ἄππιον ἐπιθυμία ξένην

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the election of the first decemvirs, the patricians had succeeded in excluding the plebeians, thereby violating the agreement which had ended the long disputes about the Terentilian rogations. By the mixed composition of the second decemvirate, the long-wished-for equality of rights between the two orders might be obtained. This was probably the object of Appius Claudius. We venture to think that by such an equality of rights, he hoped to fill up the gap between the two orders of citizens, so that the tribuneship, being henceforth superfluous, need not be re-established.

Opposition to Appius.

But in this attempt Claudius had to encounter the whole influence of the party of the uncompromising patricians. He did not succeed in winning their approval for his scheme of regulating on an equable footing the respective rights of the plebeians and patricians. The two last tables which were yet wanted to complete the whole decemviral legislation could not be passed by Appius and his colleagues,[1] no doubt because his draft contained regulations unpalatable to the old aristocracy. When they were finally passed, after the downfall of the decemvirs,[2] under the consulship of Valerius and Horatius, they certainly contained such unpopular laws as the one which forbad marriages between patricians and plebeians. But it appears that Claudius, with characteristic firmness, persevered in his purpose, and when the year of office of the decemvirs had expired, he declined to retire with his colleagues before his laws were accepted and published.[3] He thereby placed himself in a false position, and no longer had the formal law on his side. It was now easy for the patricians to

ἀρχὴν περιβαλέσθαι καὶ νόμους καταστήσασθαι τῇ πατρίδι ὁμονοίας τε καὶ εἰρήνης καὶ τοῦ μίαν ἅπαντας ἡγεῖσθαι τὴν πόλιν ἄρξαι τοῖς συμπολιτευομένοις.

[1] Diodorus, xii. 24: Οὗτοι δὲ (the decemvirs) τοὺς νόμους οὐκ ἠδυνήθησαν συντελέσαι.

[2] Diodorus (xii. 26) states this distinctly and even emphatically: Ἐπὶ δὲ τούτων (*i.e.* the consuls Horatius and Valerius) ἐν τῇ Ῥώμῃ τῆς νομοθεσίας διὰ τὴν στάσαν ἀσυντελέστου γενομένης, οἱ ὕπατοι συνετέλεσαν αὐτήν. Τῶν γὰρ καλουμένων δώδεκα πινάκων οἱ μὲν δέκα συνετελέσθησαν, τοὺς δ' ὑπολειπομένους δύο ἀνέγραψαν οἱ ὕπατοι.

[3] See p. 194, note.

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overthrow the bold innovator and his colleagues, as well as to frustrate his plans. But only a compulsory resignation, and not by any means a revolt of the people, put an end to the decemvirate. The secession which took place at this time was surely not directed against the man who, like Sp. Cassius and other Roman patricians, had the magnanimity and the political wisdom to oppose the presumed advantages of the privileged party. If we are not mistaken, the rising and the secession of the plebs did not take place before the abolition of the decemvirate. Then the two last tables, containing the unpopular laws, were drawn up by the consuls Valerius and Horatius, and while the old consular government was restored, the attempt was made to prevent a restoration of the tribuneship. Taking this view of the events we must of course reject the story of the accusation of Appius and his colleagues by the tribunes of the people, and of his suicide in prison. We shall have the less scruple in doing this, as the impeachment and suicide of Appius are related by the annalists for the year 470 B.C. also.[1] If Appius died a violent death, it was not the plebeians who drove him to it, but men of his own order, who persecuted in him the traitor and apostate. The annals of the aristocratic families have concealed this fact, as they have also concealed facts regarding the punishment of other friends of the people.[2]

Conjectural character of the history.

This is our view of the history of the second decemvirate.[3] It is a view which makes that history appear to some extent possible and intelligible. Of course it follows

[1] See Schwegler, *Röm. Gesch.*, ii. 569. [2] See book iii. chap. ii.

[3] Mommsen, *Röm. Gesch.*, i. 287, expresses similar views. We do not pretend to maintain that the course of events here indicated is *proved* by the evidence we possess. All we can hope to succeed in is to make it appear probable or likely. And this, we believe, is the result of an unbiassed examination of the received story. The last two of the twelve tables contained the unpopular laws. If these had been proposed by Appius and his colleagues, and if the secession of the plebs had been directed against the decemvirs, surely the triumph of the secession and the downfall of the decemvirs would have resulted in a modification or repeal of these laws. It is, therefore, clear that the secession was not directed against the laws proposed by the decemvirs, but against the attempt of the patricians, after the completion of the decemviral

that Appius cannot have been accused by the popular party of the crimes said to have been committed against Siccius and Virginia. Such charges may well have been fabricated against him by the patricians, who wished to make his name infamous. The whole history of the decemvirate is in a state of hopeless confusion,[1] and our conjectures cannot be adduced as proved facts. But, however this may be, the story of Livy and Dionysius is so absurd that we must sacrifice it for any hypothesis which does not require us to accept palpable contradictions as facts, and the imaginations of a feverish dream as history.

legislation, to prevent the restoration of the old tribuneship. On the other hand, the hostility between the decemvirs and the senate can have arisen only from one cause, viz., the popular tendencies manifested among the decemvirs, three of whom were, according to Dionysius, plebeians.

[1] Sir G. C. Lewis, *Credibility of Early Roman History*, ii. 252.

CHAPTER X.

RESTORATION OF THE CONSTITUTION AFTER THE DECEMVIRATE.

BOOK II.

The struggle of the plebeian and patrician orders.

It is almost surprising that we have such scanty information regarding the events which preceded and followed the decemvirate. The movement stirred the Roman people even to the very heart. For the first time the idea was discussed that patricians and plebeians were members of one and the same political body, and entitled to the same rights. The claim that both ought to share in the government of the state was made and allowed. The plebeian decemvirs were the first chief magistrates of the republic, who belonged to the inferior, and hitherto subject, class of the population. For the first time plebeians sat on the curule chairs by the side of their patrician colleagues, conducted the deliberations of the senate, and led the legions of the republic in the field. The change was rapid and too great to last. When we bear in mind how, some time later, after the establishment of the military tribunes, the patrician blood boiled up at the idea of seeing the descendants of their former clients by the side of the scions of the old nobility, wearing the insignia of the highest office; and how, in the face of the law, they persevered during half a century in excluding the plebeians from this dignity; how half a century later they could hardly endure plebeian consuls, and repeatedly succeeded, in spite of the Licinian law, in getting two patricians elected—if we bear this in mind, a strong reaction on the part of the narrow-minded nobility against the spirit of the decemviral legislation, and especially against plebeians

having any share in the chief magistracy of the republic, becomes most natural. The patricians insisted on the retirement of the decemvirs, and on the restoration of the old constitution. Perhaps they pleaded that the tribunes were now no longer needed, since the legal protection which they were appointed to give was guaranteed by the laws of the twelve tables, which restrained the patrician magistrates from any further caprice and injustice. It was, as we have seen, only against such pretensions as these that the rising and the secession of the plebs were directed, not against the decemvirs, who themselves were at enmity with the senate. The consequence of the secession was the re-establishment of the plebeian liberties, that is, of the tribunes, and of personal protection against the caprice of the patricians.[1]

Demands of the plebeians.

But with this the plebeians were no longer satisfied. They had learned their strength. In spite of their violent opposition, the patricians had found themselves compelled to consent to the compiling of the code of laws. Still more: they had been obliged to consent to the election of plebeians to the decemvirate, which was, for the time being, the highest political office. The plebeians had no intention of returning simply to the same position which they had obtained for themselves by the first secession. They had grown stronger. The patricians had lost in numbers and moral influence. The plebeians now laid claim not merely to toleration and protection against tyranny: they insisted on having a share in the government of the state, of which they were the chief support, and which they could deprive of all vital power by the simple means of a secession. The time had now come when a real union of the two classes, and a division of power, might have spared the state a long period of internal discontent;

[1] That the patricians looked upon the transaction as a defeat not of the decemvirs, but of the patrician order, is the view expressed by Livy, iii. 55: 'Hæc omnia ut invitis, ita non adversantibus patriciis transacta.' Ibid. 59: 'Multi erant, qui mollius consultum dicerent quod legum ab iis (the consuls Valerius and Horatius) latarum patres auctores fuissent.'

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and this was, as we can plainly see, the object which some of the wisest men in Rome had in view. But the parties were not sufficiently reconciled to one another for such a union, and it appears that on the one side patrician selfishness and pride, on the other, plebeian distrust, were the great obstacles. There was therefore no choice left but to go on with that dualistic development of the constitution, which had been begun at the first secession of the plebs, to strengthen and complete the organisation of the latter as a separate power in the state, and, by opposing it to the old patrician body, to establish a balance between conflicting forces and interests. The creation of the tribuneship of the people was now followed up by a second measure of equal importance. The plebeian assembly of tribes had hitherto been recognised only as an assembly of the plebeians. Their resolutions could bind only plebeians. Only in so far as the tribunes elected by them were invested with authority to control even patrician magistrates, were the votes of the plebeian assembly of tribes recognised as law by the whole of the community. Their resolutions on other matters had no weight but that of petitions, and might be rejected as impertinent interferences in state affairs. The comitia of tribes were now raised above this doubtful and unsatisfactory position. It was a great step in the development of plebeian freedom when, in consequence of the second secession, the consuls Valerius and Horatius caused a law to be passed in the comitia of centuries, that the resolutions of the plebs in their tribes should be binding on the whole people.[1]

449 B.C.

Recognition of the comitia of tribes by the patricians.

By this law the tribuneship was not simply renewed, but weapons were put into the hands of the tribunes with which they could successfully attack, and by degrees could conquer, the stronghold of patrician privileges. For the first time the tribunes had now a firm legal ground under their feet for this purpose. Mere defence and protection were no longer their exclusive business. Their whole

[1] Livy, iii. 55: 'Consules comitiis centuriatis tulerunt, ut quod tributim plebs iussisset, populum teneret.'

position in the state was altered. The body of plebeians as such was now called upon to co-operate in legislation. It is true, its powers were still limited. The election of consuls, the declaration of war, the jurisdiction over life and death were, and remained in, the hands of the centuries under the presidency of the consuls; the resolutions of the tribes, confined as they were to internal and civil questions, were moreover subject to the approval of the senate (*patrum auctoritas*), just like the resolutions of the centuries; but this very co-operation between the senate and the assembly of tribes made it necessary that the tribunes should from this time forward stand in a legal and regular relation to the senate. It was necessary for them to have the opportunity of bringing the resolutions of the tribes in proper form before the senate for confirmation; and accordingly it became the ordinary practice that the propositions of the tribunes should be first submitted to the senate for discussion, and then to the decision of the people.[1] Henceforth therefore we find the tribunes taking part in the deliberations of the senate,[2] at first only as tolerated listeners, sitting before the door of the senate-hall,[3] but very soon after admitted to the interior and obtaining a full share of influence.

The tribunician veto.

The original function of the tribunes, which consisted in rendering legal assistance to plebeians in individual cases of hardship or oppression, was also changed by degrees. They began to interpose their veto on resolutions of the senate and administrative measures of the consuls. If the opposition of the tribunes was apprehended—for instance, against the levying of soldiers—it must have been preferable for the magistrates to meet this opposition at the very outset—that is, in the senate—where it might

[1] It is no doubt owing to this regulation that henceforth authentic copies of the *senatus-consulta* were deposited in the temple of Ceres, where they were in the keeping of the plebeian ædiles, and therefore under the control of the tribunes.—Livy, iii. 55. See Schwegler, *Röm. Gesch.*, iii. 85.

[2] Livy, iv. 1, 26, 36, 44.

[3] Valer. Maxim., ii. 2, 7. Zonaras, vii. 15. See Hoffmann, *Röm. Senat*, p. 109 ff. Schwegler, *Röm. Gesch.*, ii. 266.

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possibly be overcome either by argument or by direct personal influence, than to see themselves checked in the carrying out of the resolution. But if the opposition of the tribunes could not be overcome, it was expedient to desist from such measures altogether.

Jurisdiction of the tribunes.

The right of legislation was inseparable in antiquity from that of jurisdiction. It was therefore natural that the comitia of tribes, as soon as they had power to legislate for the people, acquired also the right of a popular court of justice. Now, therefore, begin the tribunician impeachments of patricians before the comitia of tribes.[1] The jurisdiction in capital cases, it is true, was reserved for the comitia of centuries by a law of the twelve tables, and the tribes could inflict only fines; but, even with this restriction, the plebeian court of justice proved, in the hands of the tribunes, who naturally acted as prosecutors, a terrible weapon not only of defence but also of attack. Through the right of impeachment, which was practically the right of punishing their antagonists, the tribunes gradually lost their original character, and, from public protectors, came to be more and more public prosecutors. Nor did they confine themselves to prosecutions which had for their object the punishment of attacks on plebeian rights, but they soon arrogated to themselves the right of bringing before their forum faults and offences of the magistrates which in no way concerned the plebs as a class. Thus it was, without doubt, a palpable straining of the law if they brought an impeachment against a consul for bad management in war; for, however the interests of the state as a whole might be affected by such an offence, it could hardly be maintained that any plebeian individually, or the plebs as a body, had been especially wronged.

Valerian law of appeal.

With the recognition of the plebeian comitia of tribes as a popular court of justice was connected a further important extension of plebeian liberties. By it a court was formed, to which the plebeians could appeal from the

[1] Schwegler, *Röm. Gesch.*, iii. 158.

decisions of patrician judges. Accordingly a law of appeal is reported to have been given by Valerius and Horatius.[1] The object of this law could not have been to confirm the right of appeal, which the patricians already possessed by virtue of one of the Valerian laws. For the restoration of the consulship after the decemvirate would have been no *bonâ-fide* restoration if it had not included that clause of the Valerian laws which limited the authority of the consuls, by giving to the patricians the right of appeal from their decisions to the people, *i.e.* the centuries. The new law of Valerius and Horatius, which is apparently identical with the old Valerian law of appeal, can therefore apply only to the plebeians. These were now allowed to share a right which the patricians had enjoyed from the beginning of the republic as members of the sovereign people. Nor was this new right anything but the application of the principle of constitutional law, which gave to the plebeians in the assembly of their tribes a share in the sovereignty of the Roman people. As this assembly was henceforth called upon to discharge some of the duties of legislation and the election of magistrates, it was likewise made to participate in the jurisdiction exercised by the Roman people. The comitia tributa constituted henceforth a tribunal qualified to guarantee the plebeian rights.[2] No obstacles were therefore left which, before the decemvirate, had prevented the extension of the right of appeal to the plebs;[3] and the difference between plebeians and patricians which made them unequal in point of legal security ceased to exist.

Changes in the character of the tribunate.

This improvement in the legal position of the plebs might have been a motive for abolishing the tribuneship. For, as we have seen, the principal function of the tribunes was to provide that legal protection which for the plebeians was to take the place of the right of appeal. The

[1] Cicero, *De Rep.*, ii. 31. Livy, iii. 55.

[2] At least in all cases which were not capital. The latter belonged to the comitia of centuries.

[3] See the Author's article in the *Rheinisches Museum*, 1866, p. 168.

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tribuneship nevertheless remained, and the tribunes directed less attention to the protection of the civil rights of the plebeians than to the obtaining political equality between them and the patricians. When, after the lapse of about 100 years, this object was attained, the tribuneship was transformed into an organ of the government, by which the new nobility controlled the servants of the state, until at a still later period the greatly increased power of the tribunes provided the demagogues with the means of overthrowing the republican constitution.

The patricians and the comitia of tribes.

It has been supposed by modern historians[1] that, after the decemvirate, the patricians voted with the plebeians in the assembly of tribes. But for this supposition no argument can be brought forward that will bear examination. For although the patricians were included in the tribes for administrative purposes—as, for example, in assessments for the public taxes—and although, therefore, every patrician was a member of a particular tribe, it is not a necessary consequence that they were allowed to vote in the assembly of tribes with the plebeians. The English peers are also members of certain parishes, which form part of the parliamentary divisions of counties; but they have no vote in parliamentary elections. On the other hand, the wording of the laws themselves serves as a proof that the patricians were excluded from the assembly of tribes. The law of Valerius and Horatius of 449 B.C. declares that the resolutions of the tribes should be binding on the whole state, *i.e.* patricians as well as plebeians. This declaration would have been superfluous, if the patricians as well as the plebeians had been included in the assembly of tribes. Nor do we find a single instance of a patrician voting in the assembly of tribes; but it often happened that they tried to influence their friends and adherents who had votes.[2]

[1] See Niebuhr, *Röm. Gesch.*, ii. 355; English translation, ii. 320. Peter, *Epochen*, p. 33. Becker, *Röm. Alt.*, ii. part i. 176. Schwegler, *Röm. Gesch.*, i. 738; ii. 562.

[2] The same inference must be made from the expressions of those writers

The assemblies of the tribes therefore, although always purely plebeian, assumed more and more the character of general assemblies of the people. This is the more easily explained, as the votes in the tribes were taken by heads, and the patricians, who were continually becoming fewer, could have no direct influence on the result of the voting. They found it more convenient to rely on that indirect influence which cannot be taken away from the rich and powerful by any electoral law. By this means the comitia of tribes became, in time, like the tribunes of the people, an instrument of government in the hands of the nobility, in the same manner as the English House of Commons has generally served the interests of the aristocracy of England.[1]

Indirect influence of the patricians.

The assemblies of tribes were now no longer convened exclusively by plebeian magistrates—the tribunes and their assistants, the ædiles—but also by the higher curule magistrates, who were originally purely patrician. In such cases they had a resemblance to the old assemblies of Roman citizens, especially on account of the religious ceremonies with which they were opened by the patrician magistrates. Plebiscites, however—*i.e.* plebeian resolutions properly so called—were only those which the plebs made under the presidency of plebeian magistrates.[2]

Plebiscites.

Simultaneously with the new order of things brought about by the second secession of the plebs (449 B.C.) an innovation took place, which was the first step in the

Establishment of the quæstorship.

who define the word *plebiscitum*, the legal term for the resolution of the plebeian comitia of the tribes. Gellius (*Noct. Att.*, x. 20, 6) says: 'Plebiscitum est secundum Capitonem lex quam plebes, non populus accipit.' See also Festus, s. v. Populi, p. 233, ed. Müller; and Gellius, *Noct. Att.*, xv. 27, 4.

[1] Livy, iv. 51; viii. 23; xxvi. 2; xxx. 27; xxxiii. 27; xlv. 35. The House of Commons has several points of resemblance with the comitia tributa of Rome. Though the peers are excluded from it, the House of Commons practically governs England. It has, however, hitherto for the most part represented and carried out the policy of one or the other section of the English nobility.

[2] Mommsen (*Forschungen*, p. 151) argues from this difference that there were two distinct forms of comitia tributa, first purely plebeian assemblies under the presidency of tribunes or ædiles, and secondly assemblies in which plebeians and patricians were mixed, under the presidency of other magistrates. He has, however, adduced no proof and no argument to make his view acceptable.

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direction taken by the subsequent constitutional reforms. It appears that till now the consuls had had the free disposal of booty made in war, and of the war treasury, if such a thing then existed. In the wars of that time, in which rapine and plunder played a great part, the booty was of the highest importance for the unpaid soldiers. We may believe Livy, that party interest often determined the mode in which the consuls acted with regard to the division of the spoils. In order to take away from the consuls this arbitrary power, and to give to the people a more direct influence in this matter, the new office of quæstors [1] was now established, and the nomination for this office was intrusted to the comitia of tribes, with this restriction, however, that they should only elect patricians.

[1] On the quæstorship see the Author's *Researches*, p. 75.

CHAPTER XI.

DEVELOPMENT OF THE RIGHTS OF THE PLEBEIANS.

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THE laws of the Twelve Tables form the first unmistakable landmark on the confines of legend and history. The alleged documents of the earlier period[1] are all either falsely interpreted or downright forgeries. Even the oldest annalists possessed no real documentary evidence from the time preceding the decemvirate. But the twelve tables were for a long time well preserved and universally known. At the same time we are approaching a period which made so deep an impression on the imagination of contemporaries that the memory of it was not obliterated when the first attempts were made at historical writing.

The decemviral legislation.

Though the details of events cannot yet be sharply and distinctly recognised, the relations of the contending parties are now represented, on the whole, with increasing accuracy. There was still no reconciliation or union between patricians and plebeians. The patricians had still exclusive possession of the senate and of the high offices of state and of religion. The plebeians, as a compensation for this exclusion from the government, had obtained a complete internal organisation of their own body. They had a share in the sovereignty of the Roman people, and they had their own assemblies, their tribunes and ædiles, to a certain extent counterbalancing the patrician consuls and quæstors. The tribunes had gained admission to the senate, and no public question could be dis-

Power of the patricians after the decemvirate.

[1] See pp. 16, 33, 44, note 4; and Schwegler, *Röm. Gesch.*, i. 18 ff.

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cussed or settled without their concurrence. Through their right of intercession they had obtained an influence which bears some resemblance to the power exercised by representative chambers in the present day. They were backed by the plebeian comitia of tribes, and their principal weapon was the jurisdiction of the same comitia through which they could strike terror into their opponents.

Right of intermarriage.

If the decemvirs intended by their legislation to establish equal rights for the two classes and to blend them into one, they entirely failed in their object. But the plebeians now began in earnest, and with success, to attack and abolish the exclusive privileges of the patricians. Nothing shows with greater distinctness the opposition which originally existed between the patricians and the plebeians than the inadmissibility of a legal Roman marriage (*connubium*) between members of the two classes. It was not the twelve tables which, as the Roman historians erroneously relate, first prohibited such marriages.[1] The prohibition existed from the commencement of the Roman state as a natural consequence of the difference of rights

[1] We have here a striking instance of our superiority over the ancient historians. The wider range of our experience and the critical method of modern science enable us here and there to see things in a clearer light than the men who wrote about the institutions of their own country and lived so much nearer to the events they described. In opposition to the statements of Cicero (*De Rep.*, ii. 37, 63) and Livy (iv. 4, 6), we can venture to declare it impossible that the prohibition of marriages between patricians and plebeians was first established by the twelve tables. There are laws in historical development as well as in physics. If we understand them, it is easy to discover what is impossible. There was a regularity and steadiness in the development of plebeian liberties incompatible with so marked a retrogressive step as is implied by the alleged law of the twelve tables. The decemviral legislation was the result of a victory, not of a defeat, of the popular party, and could not, therefore, establish a new law which would have been looked upon as a disgrace and a humilation by the whole plebeian order. On the other hand, the helpless condition of the plebeians before the first secession would be unintelligible and unnatural, unless they had been looked upon as an inferior race, unfit to intermarry with patricians. For these reasons modern historians have had no hesitation in rejecting the statement of Cicero and Livy, that the right of intermarriage between patricians and plebeians existed at the beginning of the republic, and was abolished by the law of the twelve tables.—See Schwegler, *Röm. Gesch.*, iii. 46.

between the people or patricians, the original founders of the Roman state, and the subject plebeians. As the patricians had their own religious worship to which the plebeians were not admitted, and as they considered that they alone were in possession of the auspicia, by means of which the divine protection was secured to the Roman state, they had, as a kind of privileged caste, kept themselves pure from any mixture of plebeian blood.[1]

Religious sanctions.

On this purity of noble descent, and the religious sanctity supposed to be inherent in it, was based in great measure the preponderance which the patricians knew how to make use of in their dealings with the plebeians. If this ideal advantage were taken from them—if, from privileged beings of a high and favoured race, they were to become common men—if plebeians were admitted into the consecrated circle—the old superstitions, from which the patricians derived so many advantages, must give way and disappear.

The Canuleian law, 445 B.C.

It seems to have been principally from such considerations, of a purely political character, that, soon after the restoration of the consular constitution (445 B.C.), the tribune Canuleius proposed a law to legalise marriages between the two classes,[2] so that the father should retain the full paternal authority over the children, and that, therefore, the children of a patrician father and a plebeian mother should belong to the father's class; whereas, in the case of such mixed mariages, all the children formerly took the lower station, that is, they became plebeians, it being all the same whether the father or mother was plebeian.

Further demands of the plebs.

It is clear, and this fact could not escape the plebeians, that the plebeian class as such would not gain strength, if in this manner the patricians grew in numbers and were invigorated by new blood. But the weakening or destroying of the patrician class was not the object of the plebeians. They wished only to do away with the distinct

[1] Schwegler, *Röm. Gesch.*, i. 636.

[2] Livy, iv. 1, 6. Cicero, *De Rep.*, ii. 37.

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position and privileges of the patricians; they wanted to obtain for themselves admission to all their honours and rights, and for this reason they considered it necessary first of all to break through the barrier which hemmed in the privileged class and separated it from the rest of the people. This motive is evident from another demand of the plebeians put forward at the same time, a demand which pointed to the final aim they had in view, but which it took two more generations and the hottest contests to realise—the demand of a share in the highest office of the state, the consulate.

Steady advance of plebeian power.

These two motions, brought forward so soon after the decemvirate, show how strong and enduring in its effects the movement had been which had led to the decemviral legislation. The plebeians had (though only for a time) raised themselves to an equality with the privileged class. The tide of the reaction could not sweep them down permanently into the old state of subordination. Only four years later the plebeians were bold and confident enough once more to strive for the highest of all prizes. The course of events now showed how much the plebs had gained in strength by the recent reform, on the one hand by the growing power of the assembly of tribes, on the other by the increasing authority of the tribunes, and their influence in the senate. After a violent but short opposition, the patricians were obliged to yield on both these points.[1] The demand of the right of intermarriage was granted (445 B.C.) without reserve; and with this concession all claims resting on the exclusiveness of the patrician class and the purity of patrician blood were altogether overthrown. From this time forward the richest and most prominent families of the plebs contracted alliances with those of the old nobility; and there can be no doubt that the latter by this union, against which they had so obstinately struggled, gained a great accession of strength, which was of material service to them in subsequent civil disputes.

[1] Livy, iv. 6: 'Victi tandem patres ut de connubio ferretur consensere.'

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The second demand of the plebeians, which was directed to a share in the consulship, the patricians met neither by straightforward concession nor by direct refusal. They hoped to save for themselves the reality of political power by allowing to the plebeians the formal right of sharing it. They accordingly modified the proposition of the tribunes to this effect, that in future the people should be free to elect either consuls—that is, patricians according to the old law—or in their place other officers, under the title of 'military tribunes with consular power,' consisting of patricians and plebeians. In this form the law was passed.[1] It is not reported in what respect the official competency of the consular tribunes[2] was to differ from that of the consuls. Still so much is plain, that the difference consisted not alone in name.[3] The number of the consular tribunes was in the beginning fixed at three, and it seems that one of these three offices—that for the administration of justice (the future prætorship)—was intended to be reserved for the patricians;[4] at any rate one place at least always remained patrician.

Consular tribunes, 444 B.C.

A further limitation of the concession made to the plebeians consisted in the establishment of a new patrician office, the censorship, whose official duties had hitherto belonged to the consulship, but were not transferred to the military tribunes.[5]

The censorship.

The right thus attained by the plebeians of electing consular tribunes of their own order proved — as no doubt the patricians had expected from the beginning—a dead letter for a long time. So great was the influence of the old nobility in the elections that, for the space of forty-four years, down to 400 B.C. not a single plebeian was elected to the office. Only in the very first year

First election of consular tribunes.

[1] Livy, iv. 7.

[2] Consular tribunes is a shorter and more convenient designation for 'Military tribunes with consular power.'

[3] This is the notion of Zonaras, vii. 19.

[4] Becker, *Röm. Alterth.*, ii. part 2, 137. On the increase of the number of consular tribunes to four, six, and eight, see Schwegler, *Röm. Gesch.*, iii. 113 ff.

[5] See below, chap. xiii.

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(444 B.C.) it appears that, in the flush of recent victory, and in the excitement produced by the passing of the law, the plebeians succeeded in raising one of their order to the new office.[1] But even this first success they were not allowed to enjoy long. For, two months after the election, the patricians came forward and declared that the election was vitiated by some formal irregularity, and they compelled the consular tribunes to lay down their office, whereupon the senate contrived that in their place consuls, *i.e.* exclusively patrician magistrates, should be elected. The gain, therefore, which the plebeians derived from the reform was, in reality, of very little practical importance. They had indeed, under bold leaders, favoured perhaps by particular circumstances, under the impression which the decemviral legislation and the secession had made, obtained a constitutional right; but the excitement of the contest, it appears, was succeeded by a time of exhaustion, and the patricians remained practically in possession of the power which they had legally resigned.

The gains of the plebs little more than nominal.

In order to explain this remarkable phenomenon we ought to be intimately acquainted with the influence which the patricians still possessed through their wealth, their political organisation, their experience and capacity, and their firmly rooted power. We can only form conjectures on these points; but this can be plainly seen, that, by the forms of the constitution, especially by the extensive discretionary powers of the presiding magistrates, the patricians had the means of exercising a decided influence on the issue of the election.

Modes for thwarting the will of the plebs.

The presiding magistrate had the right to refuse votes which fell on a candidate he disapproved of. He could even decline formally to declare the result of an election, and thus was able to treat it as null and void. If such a

[1] This appears certain from the name of one of the tribunes, L. Atilius, which is purely plebeian. We cannot, therefore, accept the statement of Livy (iv. 6) and Dionysius (xi. 61) that the three consular tribunes elected 444 B.C. were all patricians. Perhaps there were even two plebeians among the three colleagues.—See Schwegler, *Röm. Gesch.*, iii. 124.

course was unadvisable, it was open to the senate to refuse its sanction (*patrum auctoritas*) and the body of patricians could decline to confer the *imperium* by the *lex curiata*. Where none of these means seemed likely to produce the desired result, there was another pretext in the religious formalities, by which an election could at any time be declared vitiated. If the nobility unscrupulously applied all these legal checks in addition to their own private influence, and at the same time dextrously made use of the foreign relations of the republic to carry out their party politics—if they understood how to frighten or to humour the plebeians by the prospect of wars, conquests, alliances, or colonies—we can well understand how the plebeians, with mournful resignation, might yield to what was inevitable, and rather renounce the carrying out of a hard-won law, than endanger the internal peace and perhaps the safety of the state by stubborn opposition. As a last resource the tribunes of the people might have used their right of intercession, by which they could stop the elections; but, in such a case, if the patricians would not yield, an interregnum or dictatorship became inevitable; and thus the patricians finally succeeded in exhausting the patience of the plebeians, and in compelling them to give up the contest.[1]

The case of Spurius Mælius.

Six years after the establishment of the consular tribunes (439 B.C.), an event took place which throws much light on the character of the civil struggles then raging in Rome. It is the melancholy end of the popular leader, Spurius Mælius. We will endeavour to clear it of the misrepresentations by which the partial historians, writing in the interest of the aristocracy, have made it almost unintelligible.

[1] See Schwegler, *Röm. Gesch.*, iii. 142 ff.

CHAPTER XII.

SPURIUS MÆLIUS.

BOOK II.

Pressure of famine.

In the tenth year after the decemvirate, Livy[1] relates, there was a famine in Rome. Everything was tried to check the misery of the people, and the necessary measures for this purpose were intrusted to L. Minucius, an officer especially appointed as master of markets (præfectus annonæ), who took a great deal of trouble to get the price of corn reduced. He bought large supplies in foreign lands, ordered that every citizen should sell whatever corn he might have in excess of one month's consumption, limited the rations of slaves, and acted with severity towards the usurers. But all these means were of little use. The misery of the poor increased, and many threw themselves into the Tiber, to escape by a quick death from the tortures of hunger.

Charges against Spurius Mælius, 439 B.C.

Then a man from among the people took compassion on his suffering countrymen. Spurius Mælius, a rich plebeian from the class of knights, bought corn in Etruria through his friends and clients, and distributed it gratis, or at very low prices, to the starving plebs. In this way he won their unbounded gratitude and attachment, and it appeared that the people would withhold nothing from his ambition, and that he had at least a prospect of being made consul as a reward for his generosity. But Mælius aimed higher. He thought that, in order to attain to this dignity, he must encounter the opposition of the patricians, and it did not seem to him a much more difficult task to make himself the

[1] Livy, iv. 12. The principal writers besides Livy are Diodorus (xii. 37), Valerius Maximus (v. 3, 2; vi. 3, 1), and Zonaras, vii. 20.

absolute master of the state. Such plans and intentions could not long remain secret, and were made known especially to Minucius, whose exertions on the part of the government to ameliorate the misery of the people were quite thrown into the shade by the splendid generosity of Mælius. Forthwith Minucius reported to the senate that in the house of Mælius arms had been collected, and that secret meetings of conspirators were taking place. The tribunes were already bribed, he said, to betray the liberty of the republic. The projects for restoring the royal power were notorious; only the conspirators had not yet agreed as to the time of action. There was danger in delay, and he had waited too long already in making his report. In this state of affairs the senate determined to adopt the last measures for the defence of the republic. The aged Cincinnatus was immediately appointed dictator, and he chose C. Servilius for his master of the horse. Surprise and consternation seized all the people when, on the following morning, the dictator mounted his tribunal in the Forum. With anxious curiosity the people crowded together, and among them also Sp. Mælius. Nobody knew against what internal danger or against what enemy the extraordinary dictatorial power was directed. Then Servilius forced his way into the crowd, with a number of patrician youths, and challenged Mælius to appear before the tribunal of the dictator. Mælius saw the danger which threatened him, and implored the protection of the people. But Servilius drew a dagger from under his armpit, and stabbed Mælius before the eyes of the people, who were paralysed with fright. Sprinkled with the blood of the murdered man, he appeared before the tribunal of the dictator, and announced the death of the traitor. The people now became uproarious, and thronged around the seat of the dictator, threatening vengeance. But Cincinnatus, undaunted and defiant, justified the deed of Servilius; 'for,' said he, 'even if Mælius was innocent of the crime of treason, of which he was, on good information, accused, he still deserved death, because he disobeyed the commands

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of the dictator, and feared the judgment of the people.' He then commanded that the house of Mælius should be pulled down and levelled with the ground;[1] and the corn which Mælius had accumulated, Minucius, the master of the markets, distributed among the people at a low price, thus relieving the distress, and making himself so popular that a bull with golden horns was dedicated to him as a sign of the gratitude of the people.[2] Yet the people felt that Mælius had been put to death unjustly, without a trial, and that no proof of his guilt could be produced, and their anger turned against Servilius. He was compelled to go away from Rome, and after some years, a tribune, named Sp. Mælius, a relation of the murdered man, proposed a law to confiscate the property of Servilius, and to inflict the same punishment on Minucius, as a false accuser.

Variations in the story of Mælius.

Thus runs the story of Sp. Mælius, as told by Livy, our chief authority. The tradition, however, is not quite the same with different writers. The report of Dionysius exhibits some important deviations.[3] He knows nothing of the dictatorship of Cincinnatus, but relates that the young Servilius, commissioned by the senate, got rid of Mælius by cowardly assassination, approaching him under pretence of conversing with him, and piercing him with a dagger.[4] In spite of this variation, which cannot be wondered at, considering the nature of the authorities at that period, the event comes out with tolerable clearness. It had, in a variety of forms, been deeply imprinted in the memory of the Roman people, and the broad facts were undoubted that, soon after the establishment of the consular tribunes, Sp. Mælius, a rich and respected plebeian, was murdered in a party conflict by the patrician, C. Servilius Ahala.

[1] Livy, iv. 16. Varro, *Ling. Lat.*, v. 157. Cicero, *Pro Dom.*, p. 38. Valer. Max., vi. 3, 1.

[2] Livy, iv. 16. Pliny, *Hist. Nat.*, xviii. 4; xxxiv. 11.

[3] In a fragment recently discovered in the Escurial.—See Schwegler, *Röm. Gesch.*, iii. 130, Anm. 1.

[4] See also Plutarch, *Brut.*, 1.

How the Romans of later times looked upon this act appears plainly from the remarks of Cicero,[1] Livy, Valerius Maximus, and other writers. The Roman historians are almost without exception partisans of the aristocracy; the tribunes are generally represented as turbulent, and often as venal demagogues; the people appear selfish and base; the senate, on the contrary, and the true leaders of the nobility are lauded as high-minded, self-sacrificing, and patriotic. The deed of Servilius Ahala is, therefore, celebrated as an act of heroism; and Mælius is universally described as an enemy of freedom, who wished to bribe the Romans by the paltry present of a few pounds of bread to submit to the yoke of a tyrant.

Later reputation of Sp. Mælius.

In spite of the few criteria by which we can judge of the motives of Sp. Mælius, we must not hesitate one moment to cast aside this verdict, and to look upon the murdered plebeian as the victim of a party which, with a haughty contempt of justice, made use of any weapon, however dishonourable, in a base endeavour to evade or violate the law—a party which was not ashamed to extol bloody crimes, committed in its interest, as patriotic exploits, and to stigmatise its murdered enemies in their graves as traitors or common criminals.

Unjust imputations.

It is clear, at the very outset, that the accusation of having aimed at royal power when the republic was firmly established hardly deserves our notice.[2] It is not even likely that such a charge was ever seriously brought against Sp. Mælius; it must have had its origin in the distorted narrative of the annalists. How could a citizen, who, like Sp. Mælius, had never had the direction of the government, who had never been even tribune, who with

Wrong done to Mælius.

[1] Cicero is particularly emphatic in condemning Sp. Mælius. He says (*Lælius*, 8, 28): 'Quis est qui Tarquinium Superbum, qui Sp. Cassium, Sp. Mælium non oderit?' See also Cicero, *De Senect.*, 16, 56; *De Rep.*, ii. 27, 49; *Pro Mil.*, 27, 72. *Philipp.*, ii, 44, 14. Sp. Cassius, Sp. Mælius, and M. Manlius are generally named in conjunction, as conspirators justly punished with death for attempting to make themselves masters of Rome.

[2] The similar charge brought against the decemvirs is equally groundless. See p. 193.

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the exception of his wealth possessed no means of influence, who appears not to have had numerous adherents, and to have led no party,—how could such a man be suspected of aiming at the overthrow of the republic, and at the restoration of the regal power in his own person? And if it be granted that he did this, if it be granted that he had collected partisans, arms, and mercenaries,[1] would he in that case have exposed himself unarmed to the dagger of a fanatical enemy? Would he have gone to the Forum without a retinue of trusty followers, and without concerting plans for resistance or attack? If proofs could have been produced of a treasonable conspiracy, it would have been easy to bring the simple plebeian to justice, and the people would not have spared an enemy of their freedom. But the people were convinced of his innocence. Intimidated at the moment by the display of dictatorial authority, they soon recovered spirit and courage to force the perpetrator of the bloody deed into exile; and the patricians were compelled to sacrifice to the popular vengeance the man who had acted as their champion, and whom they continued to praise as the deliverer of his country.

The real offence of Mælius.

It is true, Sp. Mælius was not altogether innocent in the eye of the patricians; no doubt he had committed a crime which, by their code, was punishable with death. What this crime was we can guess with tolerable accuracy. Just then was the time when, after severe struggles, the plebeians had been declared eligible for the office of consular tribunes. In spite of this concession, the patricians strained every nerve to reduce this right to nothing in practice, and, as we have seen, they succeeded so far that, during forty-four years, none but patricians were raised to this office. What means they used to attain this end, we have already hinted.[2] Now, however, in their proceedings against Sp. Mælius, we discover, if we are not mistaken, a new method of con-

[1] This is what Zonaras imagines, who says (vii. 20): ὅπλα τε ἐπορίσατο καὶ φρουρούς.

[2] See p. 214.

trolling the elections, and a very effective one for keeping off plebeian candidates. The crime of Sp. Mælius was, we may be sure, no other than this, that by his wealth and generosity he had acquired great popularity among the people, and that at an election of military tribunes he was in a fair way of gaining for himself the votes of the centuries. This fully explains why he was so obnoxious to the enemies of popular rights, and why he shared the fate and the opprobrium of Sp. Cassius and M. Manlius, the forerunners, like himself, of the Gracchi.

CHAPTER XIII.

THE CENSORSHIP, 445 B.C.

BOOK II.

The censorship made a separate office.

THE reform of the year 445 B.C. was followed, as appears most probable, by the establishment of the censorship[1] as a separate office.[2] For, the plebeians being admitted to the office of consular tribunes, it was in the interest of the patricians to weaken this office by separating from it a certain class of functions, and constituting for them a new purely patrician office.

Duties of the censorship.

Till now the consuls had from time to time held the census, by which they not only regulated the military services of every citizen, but also revised periodically the general assembly of centuries. The nomination of new senators had also till now been one of the functions of the consuls. On them depended, therefore, the rank and consideration of every single citizen in the state. These important privileges the patricians had no intention of relinquishing when they were compelled to admit the right of the plebeians to the office of consular tribunes. That part of the former consular power, therefore, which referred to the nomination of senators and to the holding of the census was not transferred to the consular tribunes; but a new patrician office, the censorship, was established for its exercise. The censors were to be two in number, and the term of their office was to range over five years.

[1] Becker, *Röm. Alterth.*, ii. part 2, p. 191 ff.

[2] According to Livy (iv. 8), Dionysius (xi. 63), Zonaras (vii. 19), the censorship was established two years later (443 B.C.) and was in no way connected with the constitutional changes of 445, which introduced the office of consular tribunes. Schwegler (*Röm. Gesch.*, iii. 117) has satisfactorily shown that they are mistaken, and that the censorship was part of the reform of 445.

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It is not easy to decide with accuracy what were the official duties of the censors in the first period of their existence. No doubt many duties were in course of time added which were foreign to the first censors, especially when, with the increase of wealth, the finances of the state became more complicated and more important, and when Rome became not only more powerful, but richer and more luxurious. From this time the administration of the state domains, the farming out of the indirect taxes, and the management of public works constituted alone an office of the greatest importance. A special branch of the duties of the censors was that of watching over the preservation of public morals, or rather of the customs and habits of the good old time, a duty which they vainly endeavoured to discharge by all sorts of restrictions on expenditure and luxurious living. These censorial functions, which are generally much overvalued in their practical effect and usefulness, were probably due to the gradual development and increasing dignity of the office, and not contemplated at the time of its establishment. Yet the censorship ranked, even from the beginning, in dignity and importance, next to the consulship; and in those years when military tribunes, and not consuls, were chosen, the censorship ranked first.[1] Nor can it be supposed that an office especially instituted to protect the most important privileges of the patricians could be thought lightly of.[2]

General aspect of affairs.

After the establishment of the offices of military tribunes and censors, a long pause took place in the further development of the constitution. The plebeians having suc-

[1] Becker, *Röm. Alterth.*, ii. part 2, p. 196, Anm. 479, 480.

[2] Livy's narrative (iv. 18) is unquestionably incorrect. According to his account the office was not considered at first dignified (*minime consularis*), but only troublesome (*operosa*), and therefore avoided by the first men in the state. This statement is refuted by what we know of the character of the censorship, and by the fact that the first censors, L. Papirius and L. Sempronius, were *viri consulares*. It is not uncommon in political and private transactions for a man to depreciate a thing which he wishes to obtain or has obtained from another. The statement of Livy looks very much like such an intentional misrepresentation.

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ceeded in doubling the number of the quæstors from two to four in the year 421 B.C., and in securing their own eligibility for this office, directed their attention, not so much to obtain new privileges by new laws, as to try the working of their legally acquired privileges, and to make the constitution a reality.

Predominance of the patricians.

Year after year the question had now to be discussed and settled, whether for the ensuing period of office consuls or military tribunes should be elected. The first object of the senate always was to try to obtain the election of consuls, and it succeeded in this twenty times during thirty-five years, from 444 B.C. till 409 B.C. When the aristocracy felt compelled to yield to the pressure of the tribunes, and to give their consent to the election of consular tribunes, no stone was left unturned to have only patricians elected to the office. With what obstinacy and with what success they persisted in this perfidious and illegal practice may be seen from the fact already referred to,[1] that, till the year 400, *i.e.* in four and forty years, during which period consular tribunes were elected twenty-three times, no plebeian ever filled that office.

Patrician policy.

The patrician policy during the whole of this period bears an undignified character. It is the policy of shrewdness and of meanness; still more, it is a continued and systematic violation of the law, a sham constitutionalism, such as we see so frequently in the present day. Not only the positive law, but also the honour, the well-being, and even the safety of the state, were sacrificed to the interests of a party whose day was past, whose strength was undermined, and the continuance of whose privileges had become unendurable and injurious to the state.

Limitation of the censorship to eighteen months.

In spite of the apparent exhaustion of the plebs, it is clear that they only needed time to recover themselves before again trying their strength. The stifled fire flickered up again afresh from time to time. The plebeians submitted to their fate with indignation and impatience, and the nobility, although all-powerful for the moment, received

[1] See p. 213.

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now and then a warning which made them tremble for the future. After the second censorship, in the year 434 B.C., the quinquennial term of this patrician office was cut short, and on the proposition of the patrician consul Mamercus Æmilius, it was determined that every fifth year new censors should be chosen, but should remain in office only eighteen months. A further concession was made to the plebs in the year 421 B.C., by which the number of the quæstors was increased from two to four, and the plebeians were declared eligible for this post. It is true this concession was made by the patricians with the secret expectation that, in spite of the legal admission of plebeians to this office, they would be able, as in the case of the consular tribunes, to carry the election of patricians. They were, however, mistaken in this calculation. The plebeian comitia of tribes, which had to elect the quæstors, could not be managed so easily as those of the centuries, and eleven years afterwards, in the year 410 B.C., three plebeians were elected among the four quæstors. This was a just retribution for the cunning of the patricians, who would not consent to the plebeians having a certain fixed number among the quæstors, in the hope of being able to fill up all the places with patricians.

434 B.C.

421 B.C.

410 B.C.

Signs of plebeian activity.

But at the election of the consular tribunes also an unexpected result took place. In the years 400 and 399 B.C., and again in the year 396 B.C., a majority of plebeians was elected. We cannot ascertain the causes and the details of these changes, as we are too scantily informed of the events of this period. We see plainly, however, that the plebeians were not hopelessly torpid, but understood how to make good use of a favourable opportunity, when offered, for the assertion of their rights. This perseverance could not fail sooner or later to be crowned with success. In the plebs was the germ of growth. The patrician class could neither be renovated nor extended. One generation later, in the year 366 B.C., the Licinian laws secured to the plebeians a share in the consulate, and the patricians lost their old preponderance in the state for ever.

CHAPTER XIV.

ROMAN INTERVENTION IN ARDEA, 446 B.C.

BOOK II.

Character of Roman foreign policy.

We cannot suppose that the foreign policy of the Roman senate was carried on with a greater respect for justice than was exhibited in the dealings of the patricians with the popular party. As far as foreign nations were concerned, the ancients considered everything right which promised to bring advantage, even more unscrupulously than we do at the present day. The considerations of equity and self-restraint which it was necessary to observe to a certain extent with regard to fellow-citizens, were disregarded in the case of foreigners. Towards them cunning and deceit, cruelty and ferocity, became virtues, and passed for wisdom and courage. Antiquity can show but few instances of magnanimity in the intercourse of nations, and the Romans especially were strangers to it. They are therefore entitled least of all to moralise on the faithlessness and perfidy of other nations; for, with regard to foreigners, who for them were originally synonymous with enemies,[1] they never considered themselves bound by any obligation or restrained by any principles of right, except in so far as their own advantage seemed to demand it. We have occasion to notice this practice at the first contact of Rome with a neighbouring state, which is described in our authorities with so much detail and apparent fidelity that we can judge with tolerable certainty of the motives and the object of the Romans. It is the disgraceful spoliation of the allied town of Ardea, which Livy him-

[1] Cicero, *Off.*, i. 12, 37: 'Hostis apud maiores nostros is dicebatur, quem nunc peregrinum dicimus.'

self, who so gladly praises or excuses anything Roman, felt to be an infamous act.

The town of Corioli[1] had been destroyed in the course of the Volscian wars; and its territory, which was lying waste, was the subject of a long dispute and frequent wars between two adjacent Latin towns, Ardea and Aricia. At length (446 B.C.), after both towns had suffered severely from the protracted contest, they decided to choose Rome as their umpire. The Roman senate laid the matter before an assembly of the people, and the people decided that the disputed land belonged by right neither to Ardea nor to Aricia, but to Rome; for as Rome had conquered Corioli forty-seven years before, it had become the property of the Roman state (*ager publicus*). In vain, it is said, did the consuls and the senate endeavour to prevent this selfish and dishonourable decision of the people. The magnanimity and sense of right in the nobility found no response in the great mass, which was only moved by greediness and selfishness. The consuls therefore had no choice but to announce, very much against their will, to the allies of Rome the sentence of the Roman people, which, though not in reality altogether unjust,[2] still was contrary to the feeling of equity of the senate. A formal treaty[3] with Ardea ratified the decision of the Roman people in the year 444 B.C. Shortly after this (443 B.C.) a bloody civil war broke out in the town of Ardea. In Ardea also there were patricians and plebeians, and the same disputes and struggles took place there as in Rome.[4] The plebs seceded and united themselves with a Volscian army to besiege the town. The patricians turned to Rome for assistance, and the Roman consul marched to the relief of Ardea. The Volscians were defeated, the town delivered,

The treatment of Ardea.

446 B.C.

[1] Livy, iii. 71.

[2] Livy, iii. 72: 'Vocatæ tribus indicaverunt agrum publicum populi Romani esse; nec abnuitur ita fuisse, si ad iudices alios itum foret.'

[3] This *fœdus Ardeatinum* is said to have been inspected by the annalist Licinius Macer, the contemporary of Sulla and Cicero.

[4] Livy, iv. 9.

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the rebellious plebeians punished,[1] and the supremacy of the patricians re-established. But, as the town had been very much depopulated in the civil war, it was decided to send Roman colonists to Ardea, and to give them grants of land on the territory which Rome, as umpire, had awarded to itself. In order, however, that the disgrace of the iniquitous sentence might be obliterated, no land was assigned to the Roman colonists until all the people of Ardea had received allotments. Thus the assistance rendered, and the way in which the land was divided, not only reconciled Ardea with Rome, but laid it under especial obligations.[2] The Roman plebeians, who had confidently expected that they would have a share in the division of the land, and who now found themselves excluded, to the advantage of the people of Ardea, were so exasperated that the patrician triumvirs, who had been sent as commissioners to settle the Roman colonists at Ardea, did not venture to return to Rome, but preferred to remain in Ardea.

Foundation of the story.

Thus runs this edifying narrative. We cannot fail to see that there is something true in it. It is certainly not a pure invention. The stain on the honour of Rome caused by its decision between Ardea and Aricia was of too deep a dye to be washed out.[3] The Roman annalists have taken much trouble to garble the report and to justify or to excuse the conduct of the Romans. They have not, however, altogether succeeded, and we can separate with tolerable accuracy the true from the false.

The act not that of the plebeians, who are charged with it.

It is, in the first place, no doubt untrue that the decision of the Romans was given by the assembly of the people, that is, by the plebs. All questions of foreign policy came before the senate, and when by its decision no burden was imposed upon the people—for example, if no

[1] Livy, iv. 10: 'Principibus eius motus securi percussis.'

[2] Livy, iv. 10: 'Demptam iniuriam iudicii tanto beneficio populi Romani Ardeates credebant.'

[3] Livy calls it 'Publicæ avaritiæ monumentum' (iv. 10), 'Iudicium infame' (iv. 11), 'Turpe iudicium populi' (iii. 71).

war was necessary—there was no need of consulting the people. The Roman patricians could indeed alone be interested in this matter and expect advantage from it. For as the disputed lands became the public land (*ager publicus*) of Rome, it is clear that the plebs gained nothing. The public lands still belonged exclusively to the privileged class. Only patricians could take possession of them. The principal complaint of the plebeians in relation to the agrarian laws was just this, that they were excluded from the enjoyment of the state lands. It is therefore quite absurd to attribute the ignominious decision to the mean selfishness of the plebeians, as our historians do, and to represent the patricians as opposed to it. It appears plainly in the course of the story that the Roman patricians were allied with the patricians of Ardea, and the district of Corioli was only the price which the aristocracy of Ardea paid to the Romans for their assistance against their own rebellious plebs. Finally, the conduct of the commissioners for the settlement of the colony of Ardea is significant. They dreaded the resentment of the plebs, and did not venture to return to Rome. Surely this proves that the Roman plebeians had not profited by the iniquitous acquisition, and that the patricians, who had the advantage of the transaction, were also the sole authors of it.[1]

[1] The disputes about agrarian laws, of which we have heard nothing since the lex Icilia, now begin again. In 441 B.C. the tribune Pœtelius insisted on assignments of land (Livy, iv. 12), having in view, no doubt, the newly acquired territory of Ardea. Is it not possible that Sp. Mælius may have had a similar object in view?

CHAPTER XV.

THE WARS DOWN TO THE LAST WAR WITH VEII, 449–405 B.C.

BOOK II.

General condition of the Romans.

DURING the internal struggles which led to the decemvirate and the consular tribuneship, the wars with the neighbouring nations, especially the Æquians and the Volscians, had not ceased. Year after year these enemies repeated their incursions for rapine and murder; and not only the allies of the Romans, the Hernicans and the Latins, but even the Roman dominions themselves, were visited by the dreadful scourge of these everlasting petty wars. Three times, as mentioned above, in the years 465, 463, 446 B.C., the enemy penetrated into the immediate vicinity of Rome, and in the year 460 B.C., in the midst of the disputes about the Terentilian law, the Roman Capitol had temporarily fallen into their hands. The second and third book of Livy, and the corresponding books of Dionysius, convey to the careless reader a very erroneous impression. They make it appear that Rome, in spite of occasional reverses, was on the whole successful, and pursued an almost uninterrupted course of victories and conquests. This, as we have seen, is a great misrepresentation, caused by the national vanity of the historians. In truth Rome could hardly stand her ground, while her allies, the Latins and Hernicans, lost a considerable portion of their territory, and suffered more directly than even Rome, as lying nearer to the common enemies of the league.

Internal dissensions.

Such continual calamities, we may suppose, were aggravated by internal dissensions. We are told of Roman

soldiers, who, out of hatred to the patrician consuls, allowed themselves to be beaten by the enemy, or at least would not conquer, in order that the commander might lose his triumph; we read frequently of the factious opposition of the tribunes, who prevented, by their intercession, the levying of troops. There may be a great deal of exaggeration in these accounts, but they are not altogether fictitious, for it is evident that the wars were very disastrous. And, in truth, no growth of national power was possible for Rome so long as the plebeians, who supplied the main strength of the armies, were in bitter enmity against the ruling class.

Æquian and Volscian wars.

A connected history of the wars of the Volscians and the Æquians during this time is out of the question. The character of our sources is essentially the same as in the preceding period, though such wild fictions as the stories of Cincinnatus and Coriolanus are not repeated. Here and there we are even agreeably surprised by narratives which have so much the air of genuine history about them that the dark clouds appear to break and to show distinct lines and points, which enable us to form an opinion of the probable outlines even of those parts which are still hidden. In the half century after the foundation of the republic, as we have seen, the war was decidedly unfavourable to the Romans and their allies. The Æquians, issuing forth from their old strongholds in the mountains on the Anio, had taken possession of the plain which, between those mountains and the isolated group of the Mons Albanus, formed the only easy communication between Rome and the Trerus valley, or the land of the Hernicans. They had taken several places, such as Labici and Bolæ, and retained possession of them. More than that, they had even penetrated to the Alban mountains, and had established themselves on the eastern spur, known as Mount Algidus. From this hill, as from a citadel, they could make their devastating incursions into all parts of Latium. The neighbouring town of Tusculum they kept in a continual state of siege, and made inroads at pleasure between

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Tusculum and the Anio into the Roman districts as far as the Tiber. In the south of Latium the Volscians had at the same time made extensive and lasting conquests. The most important of these was the fortified maritime town of Antium. The new Volscian inhabitants of this town separated themselves politically from their countrymen, and formed an independent community; they renounced all ideas of further conquests, and for a long while took no part in the war against Rome, in order apparently to devote themselves more exclusively to piracy, which promised not less profit than the predatory wars on land.

Volscian conquests.

Next to Antium, Ecetra, originally a Latin town, had become a principal stronghold of the Volscians in Latium. The situation of this town is not known; it lay, perhaps, in the mountain range which forms the eastern boundary of Latium, and divides it from the country of the Hernicans in the valley of the Trerus. Other towns, among them, perhaps, Satricum and Velitræ, had fallen into the power of the Volscians. Such a Volscian conquest may be presumed in the case of those towns which, at a later period, when the fortunes of war had turned, are reported to have been taken by the Romans.[1] Besides the towns of Latium already named which fell into the possession of the enemy, we must also mention those which were destroyed and never built again. One of these was Corioli, the territory of which was the matter of dispute between Ardea and Aricia. Many other places may have had a similar fate. Who can say how many flourishing villages, strong castles, and walled towns shared a similar fate in those devastating wars? The Roman antiquarians

[1] It is true Satricum and Velitræ are stated (Diodorus, xiv. 102) to have deserted the Roman alliance a short time before they were retaken by the Romans. As a voluntary desertion of allies seemed less humiliating to the Roman pride than a conquest by foreign enemies, the former has sometimes been substituted for the latter by the patriotic annalists. This could be done with some plausibility, and almost with good faith, in those frequent cases in which civil discord in a town facilitated its conquest. We shall see at a future stage of the history of Rome, that very few towns were taken by an enemy from without who had not the co-operation of a party within the town. Such a conquest might easily be represented as a desertion.

have preserved long lists of townships in Latium,[1] the names of which touch our ears like the faint sounds of a distant echo; in the plains of the depopulated Campagna are seen at present, in many places, heaps of weather-worn stones, and unmistakable sites of towns on the level summits of steep rocks, to which no name and no memories cling. At the time of the Volscian wars, the desolation began which changed that once fruitful and populous land into the malaria-stricken wilderness of the present day.

Decay of the Latins and Hernicans.

By the successful invasions of the Æquians and the Volscians, the league between the Romans, Latins, and Hernicans was practically dissolved. The towns of Latium which had escaped destruction or conquest were so much reduced that they could no longer claim to be allies, entitled to treat with Rome as equals. They were compelled to look to Rome for their safety, and so they were no longer allied but protected states, and the superiority of Rome became more and more acknowledged as a *de facto* dominion.

Increasing strength of Rome.

Two causes seem to have contributed to turn the tide of the Æquian and Volscian wars in favour of Rome after the period of the decemvirs. In the first place, the civil troubles which preceded that period were followed by comparative repose. The laws of the Twelve Tables seem not to have been without a beneficial effect in quieting the internal disorders. The Canuleian law on the right of intermarriage and the admission of the plebeians, at least in law and theory, to the highest office of the state, seem to have softened the virulence of the civil contest. Rome was therefore able to meet her enemies on more advantageous ground. In the second place, the Æquians and Volscians displayed much less vigour and energy during this period. This was owing, probably, as we have already said,[2] to the growth of the Samnites, who were at that time extending their dominion in the rear of these two nations, and thus involuntarily relieving Rome. The

[1] See above, p. 163, and Pliny, *Hist. Nat.*, iii. 9.

[2] See p. 164.

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Romans thus felt strong enough to assume the offensive, and to regain the ground they had lost.

Fall of Labici, 418 B.C.

They turned their attention first to their nearest enemies, the Æquians, who were decidedly the most troublesome, and had in the year 446 B.C. laid waste the Roman territory, even to the gates of the city. The wars appear often to have been interrupted by long periods of armistice, and the enemies of Rome were now reduced to the defensive. The first statement from which we can venture to form an opinion as to the course of the wars, refers to the conquest of Labici in the year 418 B.C.[1] A Roman colony was founded here, and this is the first permanent extension of the Roman dominion by means of the military colonisation, the method which the Romans employed to secure their hold on their conquests in Italy, and to extend their dominion from one centre over a large extent of country.[2] Labici remained as a colony in the Roman possession. The situation of this town shows that after it was taken by the Romans, the Æquians could no longer retain the Algidus.[3] Thus the advanced station of the Æquians in the land of the Latins had fallen. A further success of the Romans is marked by the conquest of the

[1] Livy, iv. 47. Diodorus, xiii. 6.

[2] All the reports of colonies which have reference to the regal period are fictitious. So are those of the colonies alleged to have been founded previously to the year 418 B.C., viz., Fidenæ, Ecetra, Velitræ, Norba, and Antium. At the first dawn of trustworthy historical tradition we discover these towns in possession of the enemies of Rome. It is therefore all but certain that the stories of the conquest, colonisation, and revolt of these towns at an earlier period were invented to fill up the empty annals of those times. This can be proved *satisfactorily* in the case of Fidenæ (see p. 25). The fact is that colonies were quite out of the question so long as the territory of Rome extended only to within five Roman miles from the gates, and so long as Rome and Latium had to maintain a doubtful struggle for their existence, and were unable to oppose an effectual barrier to the advance of the Æquians and Volscians into the heart of Latium. For the same reasons we must question the authenticity of all reports of agrarian laws and of the distributions of land during the same period. It was not till after the acquisition of the territory of Corioli from Ardea (442 B.C.), and after the conquest of Labici (418 B.C), of Bolæ (414 B.C.), that assignations of land could be proposed or even thought of in Rome.

[3] Accordingly, after 418 B.C., they are no longer reported as encamped on the Algidus.

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small town of Bolæ[1] (414 B.C.), which, like Labici, lay on the line of communication between Rome and the country of the Hernicans, where, at a later period, the important 'Latin road' (*via Latina*), was constructed. The Romans had now established an easy communication with their allies in the valley of the Trerus, and it is said that they made the first use of this for the purpose of restoring to the Hernicans their principal town, Ferentinum, which had fallen into the hands of the Æquians.

Bolæ taken, 414 B.C.

In the popular tradition, the memory of these wars was principally connected with the name of the dictator, A. Postumius Tubertus, who stands out in horrible grandeur as one of the superhuman and inhuman heroes of the olden time. It is related of him that he condemned his son to death, because he had engaged in battle with an enemy against the express command of his father. The admiration for such virtues was, even in a Roman, mixed with horror and detestation. Another member of the Postumian house, the consular tribune M. Postumius Regillensis, was equally distinguished for his stern and unyielding temper and his cruel abuse of power. In consequence he had inspired his soldiers with no love or devotion, but only with fear; and when, after the conquest of Bolæ, he kept back the booty, and was making preparations to punish the mutinous disposition of the soldiers with inhuman severity, they were goaded to the terrible deed of stoning to death the commander to whom they were bound by the sacred military oath, the *sacramentum*, to yield implicit obedience.[2] Such events were deeply impressed on the memory of the people. There is no reason for believing them to be without foundation, though there is some vagueness and uncertainty as to the precise time and place to which they belong; and though they do not always seem to tally exactly with the great political events, we can still discover in them a substantial element of historical truth. By such

The dictator Postumius.

[1] Livy, iv. 49.

[2] Livy, iv. 50.

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gradual transitions we pass insensibly from the deceptive region of fable to the firm ground of history.

Decay of the Volscians.

After the decemvirate, the Volscians, like the Æquians, appear to have lost strength. The war with them turns on the conquest of a few fortified places, like Verrugo and Artena, of which we know nothing but the names. Perhaps it was at this time that the Volscians lost some of their most important conquests in Latium, such as Velitræ and Satricum, as we find these soon after in the possession of the Romans.[1] At all events, the fortune of war was on the side of the latter, who undertook what was for this period a very bold expedition through the midst of the land of the Volscians, past Antium, even to Anxur, afterwards called Terracina. The taking of this town also is reported more than once, as is usual in the case of such creditable exploits—viz., for the years 406 and 400 B.C.[2]

Etruscan war.

While the attacks of the Volscians and Æquians not only grew less frequent, but the nations themselves lost ground in Latium and were reduced to such a state of weakness as to appear no longer formidable, the Romans acquired sufficient self-reliance, leisure, and strength to undertake a war with their nearest northern neighbours, the Etruscans. This war, which soon proved to be one for aggression and conquest, strained the whole strength of the republic, but eventually ended in the first important extension of the Roman territory.

Relations of Rome with Fidenæ.

In the immediate neighbourhood of Rome, only five Roman miles distant, on the left or Latin bank of the Tiber, lay the town of Fidenæ. It had been undoubtedly Latin in the beginning, but at the time when the Etruscans reigned over Latium, it had received an Etruscan colony; and having thus a mixed population,[3] it was isolated and separated from the neighbouring peoples, and occupied an

[1] Diodorus, xiv. 34, 102. See Schwegler, *Röm. Gesch.*, iii. 190.

[2] It was not till more than seventy years later, in 329 B.C., that a colony was sent to Terracina. This delay throws considerable doubt on the alleged conquests of 406 and 400.

[3] Schwegler, *Röm. Gesch.*, i. 103, Anm. 13.

independent position between Latium and Etruria. But an independent city just outside the gates of Rome could not avoid frequent collisions with such a powerful and aggressive neighbour. The feuds between the two towns must have been numerous enough. But what we read of these feuds in the stories of the regal time and of the earlier republic bears the manifest stamp of invention.[1] Fidenæ was always drawn upon to supply materials for filling the empty annals with warlike exploits, and such was the poverty of fancy of the Roman annalists that they nearly always relate the same uniform and interminably tedious stories, without ever rising to bold and original fiction. From the year 498 B.C., when Fidenæ, after having revolted five times, was conquered and colonised for the sixth time, no further mention is made of the town till the year 438 B.C., and this silence is a good sign of the gradually increasing credibility of the Roman annals.

Alliance of Fidenæ with Veii, 438 B.C.

In the year 438 B.C. Fidenæ made an alliance with Veii, which was at that time governed by a king called Lars Tolumnius. The Romans sent four ambassadors to Fidenæ to demand satisfaction. The people of Fidenæ followed up their desertion with the murder of the ambassadors—a crime which cut off all chance of reconciliation. War was now unavoidable, and seemed the more threatening as the Veientes, under their king, Lars Tolumnius, and even the Faliscans, the people of the small town of Falerii in Etruria, were ready to assist Fidenæ. The Romans therefore did as they were wont to do in hazardous times—they appointed a dictator.

Dictatorship of Æmilius.

The man selected was Mamercus Æmilius, who seems to have been a man of energy and ability, and is frequently mentioned about this time with reference to the civil history of Rome. A great battle was fought, which was decided in favour of the Romans chiefly in consequence of the courage of the horsemen, and in which the king of

[1] See above, p. 25.

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Veii fell by the hand of the valiant commander of the Roman horse, A. Cornelius Cossus.

Repetitions of traditionary history.

Yet it was not until the following year, after another victory, that Fidenæ fell into the hands of the Romans. It was again made a colony in 428 B.C. Nothing is said of the town being punished. The war with Veii was concluded by an armistice after the fall of Fidenæ. The same events were repeated almost without any material variation, according to the Roman annals, in the year 426 B.C., some ten years later. Again Fidenæ broke the peace, and marked its savage hostility and resolution this time by murdering the Roman colonists who had been sent to Fidenæ two years before. Veii is again in league with Fidenæ, and, what is of the greatest significance, Mamercus Æmilius is again nominated to be dictator. This time the valiant leader of the horse of 437 B.C., A. Cornelius Cossus, is master of the horse under the dictator, and again he decides the battle.[1] This time also Fidenæ is conquered, but it no longer appears to have strength to renew the war almost immediately. It is razed to the ground, and never appears again in history; it was from that time so utterly desolate that its name was used to designate a depopulated and deserted place.

Historical foundation for the legend.

From a comparison of the stories of the two wars with Fidenæ it is perfectly clear that one is only a variation of the other. If it is asked which of the two wars has the greatest claim to be considered historical, we must, with Niebuhr,[2] decide in favour of the second. It is quite inconceivable that Fidenæ, after the first conquest, should not have been severely punished for the murder of the Roman ambassadors. Moreover, Diodorus[3] knows only of the second war, and places in it the story of the murder of the

[1] In the year 437 he was called a legionary tribune (Livy, iv. 18), and it is not explained how in that capacity he could play such a prominent part at the head of the Roman cavalry. A legate of the name of Quinctius is mentioned on both occasions (Livy, iv. 17, 32), an additional proof that the one story is nothing but a duplicate of the other.

[2] Niebuhr, *Röm. Gesch.*, ii. 516; English translation, ii. 456.

[3] Diodorus, xii. 80.

ambassadors. This war has obtained a great celebrity, and is, for this reason, of considerable importance for the critical examination of the sources of the Roman historians, because two monuments, still extant in later times, bore witness to it. These were the statues of the murdered ambassadors on the Roman Forum, and the armour of which the commander of the Roman horse, A. Cornelius Cossus, stripped the body of Tolumnius, the king of Veii, and which he dedicated in the temple of Jupiter Feretrius on the Capitol as *spolia opima*, *i.e.* spoils taken by a Roman commander from a commander of the enemies. That four statues of murdered ambassadors really stood at a later period on the Forum cannot be doubted, for Cicero mentions them as existing not long before his time.[1] But whether they were set up immediately after the event which they were intended to commemorate, or at a later period, after the burning of Rome by the Gauls, must remain uncertain. At any rate they dated from a time when the memory of the murder was still fresh, and they may pass as historical evidence, although of course they can only bear witness to the general fact, and leave us in the dark with regard to detail, and especially the date of the event.

Lars Tolumnius.

The armour of King Lars Tolumnius has given rise to an interesting critical enquiry. Livy, who, on the whole, did not care much for the examination of historical monuments, felt himself compelled here, probably out of polite attention to the Emperor Augustus, to tack on to his story a remark in which he represents Augustus as stating that during the restoration of the temple of Jupiter Feretrius he himself examined the armour of Cossus, and found that in the inscription he was called consul. From this fact Augustus came to the conclusion that Cossus could not have taken the spoils in the year 437 B.C., because he then filled no public office, and because such spoils could only be dedicated by a man who, whilst commanding an army under

[1] Cicero, *Philipp.*, ix. 2.

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his own auspices, had slain a hostile general in battle. Livy does not venture to decide whether, in consequence of this discovery, the dedication of the spoils ought to be placed in the year 428 B.C., in which indeed Cossus was consul, but, according to the annals, waged no war, or in the year 426 B.C. when he was consular tribune, and, as commander of the horse of the dictator Mamercus Æmilius, again fought victoriously against the Fidenates and Veientes. For us, who regard the stories of the two wars as versions of the same story, no controversy can arise about the time of taking the spoils or the dedication of them. We reject the story of the year 437 B.C. as quite untenable on the ground given above; we hold that Cossus, as consular tribune, dedicated the spoils, and that either he himself or one of his descendants put the inscription on the armour, adding to his other titles that of consul, which he enjoyed two years later. Thus the accidental notice of an authentic monument does not lead to a negative result upsetting the whole of the popular tradition and the annalistic account, but it supplies a criterion which we can make use of to separate what is erroneous from the common narrative, and to arrive at a degree of certainty which, considering the still prevailing obscurity in the history of Rome at the time in question, cannot be too highly prized.

Extension of the ager publicus.

A consequence of the conquest and destruction of Fidenæ was the confiscation of its territory as public land (*ager publicus*) of the Roman people. This, after the acquisition of the land in dispute between Ardea and Aricia (442 B.C.), is the first extension of the territory in the immediate neighbourhood of the town. We shall see hereafter how this acquisition led to the renewal of the agitations for agrarian laws which now began to be for the first time of a serious and reformatory character, and increased in intensity after the extension of the Roman possessions by the fall of Veii, so that at last (366 B.C.) they led to the Licinian laws, by which the possessions of the patricians in the state lands were limited.

CHAPTER XVI.

THE CONQUEST OF VEII, 396 B.C.

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THE war with Fidenæ was the prelude to a more serious contest, for which Rome now prepared herself, and which may be characterised as the first war of conquest which the republic undertook. The flourishing and populous Etruscan town of Veii, which lay in the most southern portion of Etruria proper, if we can trust the annals, had been already frequently at war with Rome;[1] and the fall of the heroic Fabii on the river Cremera, and the taking of the Janiculus by the Veientes, had been preserved in the memory of the people, as the most striking and important events in those wars.

Greatness of Veii.

Nevertheless it appears that, on the whole, a peaceful intercourse prevailed between the Etruscans and the Romans. The former do not appear to have aimed at extending their power southward, after having lost the possession of Campania and Latium, and when the strength of the nation was evidently decreasing. While Rome and Latium barely maintained the contest with the Æquians and the Volscians, the Veientes remained quiet; and after the fall of Fidenæ they felt even less inclined than before to break the peace, as the invasion of Northern Italy by the Gauls at this time exposed the Etruscans to a new and unexpected danger, and no doubt deprived the southern towns of Etruria of the assistance of their countrymen and allies in the north. Yet Veii, although confined to her own resources, had no great reason to dread a war with Rome.

Disinclination of the Veientines to go to war.

[1] Not less than eight times. See Schwegler, *Röm. Gesch.*, iii. 203, Anm. 3.

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According to the reports of ancient writers, confirmed by modern topographical researches, the extent of Veii was about equal to that of Rome. It stood on a rocky eminence bounded on three sides by precipitous ravines, and it contained a large population. The public and private buildings were of a solidity and grandeur unknown in Rome at that time. The industry and the peaceful arts of the Veientes had enriched and beautified the town.[1] Being the mistress of several smaller towns, and of a large territory, and moreover allied with the neighbouring cities of Capena, Falerii, Tarquinii, and Cære, Veii was at the head of all Southern Etruria, and seemed able to preserve her independence without foreign help.

Internal condition of Veii.

We know next to nothing of the political and social institutions of Veii. According to the Roman annalists, the monarchical constitution continued in Veii, while in the other Etruscan towns it had given way to that of an aristocratic republic. Whether this continuance of the monarchy was injurious to the prosperity of Veii must be left undecided. Nor do we know what was the relation of the ruling class to the mass of the common people, and whether the latter, as is generally supposed,[2] were oppressed and altogether deprived of political rights. If this was the case, it was certainly an element of weakness. Much has been said about the great influence of the priests over the Etruscan people, and of their almost Oriental fanaticism. That this would have contributed to rouse and intensify the energies of the nation in a war for political existence is proved by the vigour with which it inspired the Jews under the Maccabees, and during the last siege of Jerusalem.

Traditions of the fall of Veii.

The conquest and destruction of Veii, shortly before the invasion of the Gauls, is an event as well attested as the fall of Carthage. But round this centre of historical truth a luxuriant crop of legends has grown up, in which Greek fancy is unmistakable. The elements of legend and

[1] Müller, *Etrusker*, i. 369. Schwegler, *Röm. Gesch.*, iii. 232.
[2] Schwegler, *Röm. Gesch.*, iii. 208.

tradition are so mingled, that the attempt to separate them is baffled to a very considerable extent. We must therefore give up the hope of arriving at perfect historical truth, and confine ourselves to conjectures on those points which are enveloped in the legendary veil.

Changes in Roman military organisation.

According to the annalistic accounts, the war with Veii began as early as 406 B.C. We cannot discover a sufficient cause of war; for the alleged participation of the Veientes in the revolt of Fidenæ and in the murder of the Roman ambassadors was succeeded by a reconciliation and by several years of peace. The Romans, it seems, thought that the favourable moment had come for extending their territory towards the north, and they had no difficulty in assigning a special grievance. They saw, however, that, for a war with an enemy so formidable as Veii their old military organisation was not sufficient. It was only calculated for making short summer campaigns, during a few months or weeks, against the Æquian and Volscian invaders. In order to subdue a large fortified town like Veii, it was necessary to have an army ready in the field all the year round. The old citizen-soldiers were fed and armed at their own expense, and exchanged their agricultural labour only for a short time for military service. It was necessary to replace them by a standing army of soldiers, who might remain in the field summer and winter, and who would be relieved from all domestic cares. For this purpose the introduction of military pay was necessary. This reform was of the greatest importance, not only for the organisation of the army, and for the manner of carrying on war, but also for internal political life. If, as we may suppose, the Romans conceived this idea sooner than their neighbours (for they possessed a wonderful instinct for improvement in military matters), the consequent superiority of their army gave them a well-merited preponderance over troops that were now comparatively undisciplined. Perhaps the Etruscans had already adopted the principle of giving pay to their troops, for they were far in advance of the Romans in wealth and

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refinement. But it is not likely that they had as much intuitive wisdom as the Romans for hitting upon the best method of applying the principle. For the Roman armies were not formed of mercenaries, such as were very frequent in antiquity, but they consisted of citizens, to whom their pay was only a lightening of their military service, not an inducement for devoting themselves to a soldier's life as to a profession.

The Roman cavalry.

With the introduction of pay for the troops was connected another innovation in the military organisation of Rome, the importance of which appears to have been even greater in its bearing on internal political reforms than on that of the army. The Roman cavalry, up to this time, was not formed, like the infantry, on the principle of the census or property qualification. The able-bodied young men, fit for cavalry service, were organised, without regard to the amount of their property, in six patrician and twelve plebeian horse centuries, and received horses and their keep from the state. Their arms were light,[1] such as men of small means could procure. They were therefore less fitted for close combat in battle than for the purpose of quickly overrunning a hostile territory, for reconnoitring and for pursuing the enemy. The numerous descriptions of battles won by the heroism of the horsemen are, like all the pictures of the battles of those times, imaginary, and cannot be relied upon.

Beginning of the equestrian order.

Now, after the introduction of military pay, when the service of the infantry had become less burdensome for the poorer class, the richer citizens were no longer so much in request as heavy armed foot soldiers, and were, therefore, more available for the cavalry. They accepted this change the more readily as the pay of the cavalry was three times as much as that of the infantry. There were a sufficient number who, we are told, offered themselves voluntarily, providing their own horses, and the state thankfully accepted their offer. In this manner the old

[1] Polybius, vi. 25.

Servian constitution was extended in the natural process of development. From the first of the five Servian classes a new division had branched off, consisting of the wealthiest citizens, who, without formally constituting a separate class, and without changing the organisation of the eighteen centuries of knights, took service as a species of volunteers, and laid the foundation for what became afterwards the order of the knights (*ordo equester*). From this time forward the cavalry service was considered a distinction, and attracted more and more the wealthier class of citizens. These now stood forth in a marked manner from the mass of citizens, and constituted a nursery for the senate, for posts of honour in the republic, and for the new nobility.[1]

The Roman infantry.

Nevertheless, even after this seasonable reform, which changed the character of the cavalry from light to heavy armed horse, the chief strength of the Roman army continued to be in their infantry. In the armies of the later republic, the allies furnished a contingent of cavalry considerably stronger than the Roman.[2] This never could have happened if the Romans had felt themselves superior in this branch of the service. It was their infantry that conquered the world. When, however, they came in contact with such horsemen as the Gauls and Numidians of Hannibal, the weakness of their own cavalry was bitterly felt, and contributed not a little to the terrible defeats by which the republic was almost overthrown.

Military pay and the land-tax.

How the introduction of military pay influenced the tax on land we shall discuss in connexion with the agrarian laws.

Narrative of the war.

In the first nine years of the war with Veii, the fortune of war was, according to the reports of the annalists, very

[1] Livy, xlii. 61: 'Equites illis (Romanis) principes iuventutis, equites seminarium senatus; inde lectos in patres consules, inde imperatores creant.'

[2] The proportion varied at different times. According to Polybius (vi. 26, § 7) the cavalry of the allies was threefold that of the Romans. Other accounts make their contingent not quite double as strong as the Roman cavalry. The average strength may be assumed to have been double the Roman.

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fluctuating, and victory was by no means always on the side of the Romans. We hear even that they suffered serious losses and reverses. Veii was too large a town to be surrounded on all sides by a continuous line of works. Several fortified camps were therefore erected in the neighbourhood of the town for the purpose of enabling the besiegers to intercept supplies and aid from without. These fortified camps were stormed by the enemy in the third year of the siege, and the Roman armies were beaten in the field by the Veientes and their allies. But the Romans made fresh exertions, and when the plebeian consular tribunes Genucius and Titinius were beaten in the tenth year of the war by the allies of the Veientes, the Faliscans and Capenatians, and in consequence of this defeat a great panic arose in Rome, the senate resolved to try the effect of a dictatorship—their sheet anchor in times of danger. M. Furius Camillus was the man into whose hand the Romans intrusted their fate. He justified the confidence of his fellow-citizens, and within a short space of time brought the long and dangerous war to a happy and glorious end. So far the story of the last war of the Veientes is simple, dry, and ordinary. But now, with the appearance of Camillus, another spirit is infused into the story. We leave the domain of the natural and the possible, and enter the fabulous region of the miraculous.

The rising of the Alban Lake.

In the eighth year of the war it is related there was observed a remarkable natural phenomenon connected with the Lake of Alba. The waters of the lake rose suddenly, without any assignable cause, to so great a height that the banks were flooded, and the water at last found its way over the volcanic ridge which enclosed the bed of the lake, and flowed down the hill into the plain. When such wonderful events took place, the Romans were accustomed to consult the Sibylline books or the Etruscan soothsayers, in order to avert any threatened calamity by a solemn expiatory sacrifice. Now, as they were at war with the Etruscans, they did not confide in their soothsayers, but sent an embassy direct to Greece to seek advice at the

shrine of the Delphian Apollo.[1] In the meantime the war with Veii continued uninterrupted, and the Romans, who were encamped before Veii, often entered into conversation with the besieged. Then it happened that, during a dispute between the Romans and the Veientes, an old man cried out in a loud voice from the city wall, that Veii would not fall until the waters of the Alban Lake were abated. A Roman soldier, who thought he discovered something divine in this speech, persuaded the old man to come down from the wall, and, under the pretence of having something to tell him, took him some little space aside, then seized him suddenly round the body and carried him into the Roman camp. Sent from thence to Rome, and questioned by the senate, the prophet, under compulsion, revealed the divine will, as contained in the Etruscan books of fate.[2] The Romans, therefore, immediately began making a canal through the mountain side which bounded the lake, and thus conducted the water into the plain, and when they had thus fulfilled the will of the gods, they doubted not that Veii would now fall into their hands.

Camillus prepares to assault Veii.

Meantime Camillus kept the town blockaded with his army, which had been joined by Latin and Hernican auxiliaries. But the strong walls could not be stormed in the ordinary way. Therefore Camillus had a tunnel cut from the Roman camp, under the wall, to the citadel of Veii. When this tunnel was completed, Camillus knew that Veii was in his hands, and he sent to Rome to ask the senate how he should divide the spoils. The senate determined that the whole people should have a share in the spoils of the enemy's town, which was reduced by the exertions of the whole people; and young and old, rich and poor, proceeded from Rome into the camp before

[1] It is curious that the story ignores the Sibylline books, and mentions only the Etruscan soothsayers and the Delphian Oracle. Can it be that the story is older than that of the alleged purchase of the Sibylline books by Tarquinius?

[2] The libri fatales.—Livy, v. 15.

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Veii, awaiting the moment when they could break into the conquered town with the victorious soldiers.

Camillus offers sacrifice in Veii.

At last the day for storming the town arrived, and Camillus let the Roman army advance to the walls, and pretend to attack them. But while the Veientes were engaged in defending the walls, a select body of men advanced through the tunnel. At their head was Camillus himself, and when he arrived at the place where the tunnel ended and where there was only a thin wall to break through, inside the temple of Juno in the citadel of Veii, he heard the high priest of the Veientes, who was performing a sacrifice before the king, say that whoever presented this offering to the tutelar goddess of Veii would be victorious in battle. At this moment the Romans burst forth out of the ground, Camillus seized the victim, and offered it on the altar of the goddess, and his troops dispersed themselves from the citadel over the whole town, and opened the gates to their comrades.

The capture of Veii.

Thus Veii fell into the hands of the Romans. Camillus surveyed the extent of the town from the citadel, and measured the greatness of the victory. Then he veiled his head, and implored the gods that, if too great happiness and success had attended him, they should impose upon him a moderate retribution. And when he had thus prayed, and, according to the solemn custom, had turned himself round, he tripped with his foot and fell down, for a good sign, as he supposed; for he thought, by this slight misfortune, to turn away the jealousy of the gods.

The triumph of Camillus.

A more splendid triumphal procession than that which Camillus celebrated on his return from Veii had never been seen in Rome. In a chariot drawn by four white horses, and wearing the insignia of the Capitoline Jupiter, Camillus rode through the sacred street towards the Capitol; and his soldiers, flushed with joy and triumphing over the spoils, followed him, singing songs of praise in honour of their victorious leader.

The dividing of the spoil.

But soon discontent and dissension arose. Camillus had made a vow to dedicate the tenth part of the spoils to

the Delphian Apollo, and demanded now from each person the tenth part of all the booty he had taken. It was decided by the pontifices that nobody could keep in his own possession what was dedicated to the god, without incurring the divine vengeance. The tenth part of the conquered land must also be consecrated to the god. It was estimated, therefore, and copper was taken from the state treasury to buy gold for the amount. But as there was not so much gold to be obtained, the matrons gave up their ornaments, and as a requital of their good deed they were suffered to ride in chariots inside the town at the feasts of the gods. A bowl was made out of the gold thus obtained, and a ship was sent to Delphi to convey the offering to Apollo. When the ship was come near to Sicily, it was attacked by pirates and taken to the island of Lipara, where the pirates lived. But when their captain, Timasitheos, saw that the Romans had a sacrificial offering for the Delphian god on board, he let them go unhurt in their ship, and in this way won for himself the friendship of the Roman people, which was of great benefit to his descendants in the first Punic war, when the Romans took the island of Lipara.[1] But the consecrated offering was placed in the temple of Delphi, and was among its choicest treasures until the Phokian Onomarchos carried it off in the year 401 B.C., forty years later. Only the basis, which was of brass, remained, and was to be seen even in Appian's time.[2] Thus Apollo received the tenth part of the spoils of the town which, by his help, had fallen into the hands of the Romans. But the people had ceased to love Camillus, and, from the very height of his glory, he was brought down to great misery. The tribunes accused him of having unjustly divided the spoils of Veii, nay, of having embezzled a part of them. The people were also much exasperated, because at his triumph he drove four white horses and bore with him things which belonged to the gods alone. For this reason, when

[1] Diodorus, xiv. 93.

[2] Appian, ii. 8.

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Camillus saw that the sentence of the people would go against him, he left Rome, and retired to Ardea.

Character of the legend.

Thus runs the legend of the conquest of Veii. It looks like an attempt to introduce the narrative of a war resembling that of Troy into the early history of Rome. Hence the account of the ten years' duration of the siege, and especially of the wonderful manner of taking the town by a mine which opened in the midst of the town, and from which issued armed foes, as from the Trojan horse. On the other hand, we can discover the character of genuine Italian imagination in the fable of the sudden appearance of the Romans in the sanctuary of Juno, of the declaration of the Etruscan priest that the victory was destined to him who should perform the present sacrifice, and of the readiness and cunning of Camillus, who anticipates the king of Veii and obtains the victory for Rome by complying with the decree of fate. We have met with a similar story before,[1] relating that a Sabine had a cow of wonderful size, which he was going to sacrifice in the temple of Diana on the Aventine, in order to secure to his people the supreme power, according to the advice of the soothsayers; but that a Roman persuaded the Sabine first to perform his ablutions in the Tiber, and meanwhile sacrificed the cow for the benefit of the Romans.

Greek features in the story.

It is evident that the story of the Etruscan soothsayer and that of the Delphian oracle are of different origin, and were not originally part of the same narrative. The one clearly excludes the other. One is of native Italian growth, the other is Greek in its origin. There can be no doubt that it is also more recent, for the worship of Apollo was, at the time in question, not yet introduced in Rome.[2]

[1] Livy i. 45.

[2] The first temple of Apollo in Rome was dedicated in the year 352 B.C. (Livy, vii. 20). It is true that, according to general tradition, a temple of Apollo was dedicated as early as 431 B.C. But as there was only one temple of Apollo in Rome before the time of Augustus (Becker, *Röm. Alterth.*, i. 605, Anm. 74), we must reject either one or the other of these two statements. In such cases it is always preferable to credit a statement which refers to a time further removed from the prehistoric period. The building of a temple in 352 B.C. is more likely to have been faithfully recorded than that of a temple

What is said of the pious pirate Timasitheos proves nothing. When Rome became powerful, many towns tried to discover some old connexion, either of relationship or friendship, and the Romans were not displeased to discover that their ancestors had enjoyed familiar intercourse with the Greek nation. Hence the story of the Delphian offering is probably nothing more than an idle tale, which the Delphians made up at the time when Rome became to the Greeks the object of fear or veneration.

The draining of the Alban Lake.

The outlet of the Alban Lake, of which the legend speaks, exists even at the present day. But whether it was made at the time of the last war with Veii, and how the legend arose, it is perhaps impossible to determine. We can hardly suppose that Rome and Latium, just in the middle of a war which strained all their powers, would undertake an important public work, the object of which was, after all, only an agricultural improvement in the vicinity of the lake. It is far more probable that the outlet belongs to that period when the Etruscans had dominion in Latium, and when they constructed in Rome itself similar important works for draining the lower parts of the city. In the immediate neighbourhood of the Alban Lake was Tusculum, which was once Etruscan, and it is most likely that the outlet was made in the time before the expulsion of the Etruscans from this town, *i.e.* in the time of the Roman kings. Possibly during the siege of Veii an obstruction of the sewers made repairs or cleaning necessary, and thus the tradition may have arisen which ascribes the construction of the outlet to the time of the last Veientine war.[1]

eighty years earlier. We often discover the attempt of writers to exaggerate the age of historical monuments, especially when the object was to increase the antiquity and grandeur of a family. Such attempts were facilitated in Rome when the name of a particular family occurred in the earlier Fasti. For the year 431 B.C. the Fasti contained the name of C. Julius Mento as consul, and for the year 352 that of C. Julius Julus as dictator. The family chronicles of the Julian house were not satisfied with recording the dedication of the temple of Apollo by a Julius in 352. They claimed the same honour also for 431, in which year a C. Julius was consul. Hence the two contradictory statements.

[1] This is Schwegler's opinion (*Röm. Gesch.*, iii. 220). Compare Abeken, *Mittelitalien*, p. 118, Anm. 4.

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Later features of the legend.

Some of the stories of Camillus are evidently drawn from the imagination of a foreigner, probably a Greek, who was imperfectly acquainted with Roman customs and institutions, and therefore relates things and attributes motives which no Roman would have hit upon.[1] Thus we are told that Camillus gave offence because on the occasion of his triumph he decorated himself with the insignia of Jupiter, and drove to the Capitol in a chariot drawn by four white horses.[2] But we know that it was customary at Rome for the victorious general, on the day of his triumph, to personate, as it were, the Capitoline Jupiter, as if to show that Jupiter himself triumphed over the enemies of Rome.[3]

Not less open to objection is the story that, before the storming of Veii, the whole population of Rome were invited to share in the sack of the town.[4] Who can think it compatible either with the strict Roman discipline,[5] or with any kind of military order, to invite indiscriminately the populace of a town into the camp for the purpose of taking part in the plunder of a captured city?[6]

Unhistorical details.

Thus we find that, while the conquest of Veii is an incontrovertible historical fact, all the details connected with it in the annalistic reports are untrustworthy; nor can we discover satisfactorily what consequences the Roman conquest had on the neighbouring Etruscan towns.

[1] See above, p. 79. To a like source must be traced the story of the commission sent to Athens before the decemvirate for the sake of studying Greek laws and usages.—Livy iii. 31. See Sir G. C. Lewis, *Credibility of Early Roman History*, ii. 222.

[2] Livy, v. 23: 'Triumphus omnem consuetum honorandi diei illius modum aliquantum excessit. Maxime conspectus ipse est curru equis albis iuncto urbem invectus; parumque id non civile modo sed humanum etiam visum. Iovis Solisque equis æquiparari dictatorem in religionem etiam trahebant.'

[3] This is stated, curiously enough, by Livy himself (x. 7: 'Qui Iovis optimi maximi ornatu decoratus curru aurato per urbem vectus in Capitolium ascenderit') who seems to have forgotten his previous statement. See Schwegler, *Röm. Gesch.*, iii. 228.

[4] Livy, v. 20, 21. According to Zonaras (vii. 21), only volunteers left Rome for the camp, and they also took part in the fighting. This is a material difference.

[5] Compare especially Polybius, x. 16.

[6] According to Livy, v. 21: 'Ingens profecta multitudo replevit castra.'

The annalists report wars with Capena and Falerii,[1] and even tell of military expeditions over the Ciminian mountains, the boundary of South Etruria, to Volsinii and Salpinum. How much of these accounts may be true it is not possible to decide; it seems, however, natural that, after the fall of Veii, the towns which had been subject to it, or closely allied with it, must likewise have fallen into the power of the Romans. This must have been the case with Capena, and also with Sutrium and Nepete, which from this time appear as subject to Rome.[2] Falerii, on the other hand, maintained her independence, and Rome appears not to have shown herself at all hostile to Tarquinii and Cære, perhaps because they had remained neutral in the last war with Veii, or had even favoured Rome.

Importance of the conquest of Veii.

The conquest of Veii was so important an extension of the extremely narrow old Roman territory, that the former acquisitions of the territory of Corioli and Fidenæ, as well as the colonisation of Labici, become comparatively insignificant. Shortly after, in the year 387 B.C., four new tribes were added to the twenty-one original Roman tribes, and these new tribes perhaps surpassed the old ones in fertility as well as extent. The Roman state had now so decidedly grown in power, that its relations to the allied towns in Latium were essentially altered. If we are justified in supposing that Veii, before its fall, was about equal to Rome, the power of the latter was nearly doubled, and probably not one of the existing towns of Etruria was now a match for her. The wide space enclosed by the wall of the city could now be filled by a denser population, and the hills, which had thus far been largely used for agricultural purposes, could grow into a town. The wealth acquired by the capture of the works of art of the Etruscan town could not fail to give a strong impulse to industry, enterprise, and commerce. For the first time Rome obtained a great accession of slaves in the numerous captives,[3]

[1] The story of the Faliscan schoolmaster is well known.—Livy, v. 27. Plutarch, *Camill.*, 10.

[2] Schwegler, *Röm. Gesch.*, iii. 232. Müller, *Etrusker*, i. 360.

[3] Livy, v. 22: 'Libera corpora dictator sub corona vendidit.'

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who formed a skilled and industrious population; whilst the conquered country offered to the poor plebeian peasant, as well as to the wealthy patrician, abundant land for assignments and occupation. Rome, in her rapid development, was now in the act of emerging from the position of a federal capital of the Latins to become the mistress of a large country, when she was suddenly and unexpectedly overtaken by a disaster which threatened not only her growth, but her life, and which, like a hail-storm, swept away the first blossoms of the young republic. Six years after the destruction of Veii, the Gauls rioted amidst the smoking ruins of Rome.

CHAPTER XVII.

THE AGRARIAN MOVEMENTS TILL THE DESTRUCTION OF ROME BY THE GAULS.

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THE agrarian law of Sp. Cassius of the year 486 B.C. was, as we have seen, never carried into effect, and probably was not passed with due observance of all the constitutional forms.[1] The thirty years from that period to the time of the decemvirs were, according to the accounts of our historians, filled with agrarian disputes, which were repeated almost every year. The tribunes were always urging afresh the dividing of land among the plebs, and the patricians always succeeded in frustrating these plans.[2] But all these agitations, which occupy so much room in the annals of the older time, are incomprehensible to us, because we know no more than the annalists did themselves what land it was proposed to divide. The narrators seem to have been more or less of opinion that the dispute was about newly conquered land.[3] But the foreign history of that time, dark as it is, shows us that there was no such land; that the Romans, and their allies, the Latins and the Hernicans, could not always hold their own against the Volscians and the Æquians; and that, instead of conquering, they often lost land. If, therefore, those stories are really in any measure to be believed, and the tribunes urged the regulation of landed tenures, their proposals must have

Disputes about land.

Extent of the plebeian demands.

[1] See p. 179.

[2] Livy, ii. 42, 43, 44, 48, 52, 54, 56, 61, 63. Dionysius, viii. 81, 87, 89, 91; ix. 1, 5, 17, 37, 51.

[3] See Livy, ii. 48: 'Kæso Fabius censuit, . . . patres ipsi *captivum agrum* plebi quam maxime æqualiter darent.' Dionysius repeatedly speaks of κληρουχίαι.

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had reference to the old territory of the town. This is the more likely as the first agrarian law which was carried in consequence of these disputes, and of which we have any certain evidence, was confined to giving the plebeians a small portion of the town district for their use. This was the law of the tribune Icilius,[1] adopted shortly before the decemvirate 456 B.C., which, on account of its importance, ranked as one of the sworn fundamental laws (*leges sacratæ*[2]). We can scarcely, however, suppose that the plebeians insisted on having the whole of the Roman public lands, which till now were in the possession of the patricians, divided among the people at large. Such a demand seems incompatible with the legal status of the plebs. Moreover, if the plebeians aimed so high at that early period, we can hardly understand why they should value so much the moderate concession of the Icilian law, and why they never afterwards made an attempt to disturb the old possessions of the patricians.

The lands of Ardea.

It is in the nature of the case that disputes about the division of land could only arise when there were lands to be divided, *i.e.* after new acquisitions of territory. The first acquisition of this kind was that of the Ardeatic district in the year 442 B.C.[3] Ardea became a Latin colony,[4] either at this time or some time after. The particular mode of appropriating the land for the exclusive benefit of the Roman patricians must remain doubtful. But so much is certain, that the plebeians were excluded, for the three patrician commissioners sent out to Ardea for the settlement of the colony did not venture to return to Rome for fear of the plebs.[5] We can well suppose that the signal would thus be given for agrarian agitations.

The Fidenatian land.

The next opportunity of improving the condition of the Roman plebs by grants of land was offered by the conquest of Fidenæ 426 B.C. This town was in the immediate

[1] Lex Icilia de Aventino publicando. Livy, iii. 31. Dionysius, x. 32.
[2] See pp. 110, 150. [3] See p. 227. [4] Livy, iv. 11. Diodorus, xii. 34.
[5] Livy, iv. 12; see also p. 229.

neighbourhood of Rome.[1] Its land lay most conveniently for the Roman peasantry, almost under the Roman walls. Fidenæ was destroyed and its territory united to that of Rome. Again in the years immediately succeeding (424, 421, 420 B.C.) we hear of agrarian agitations.[2] What the result was, we are not told. But probably this time too the plebeians failed to get what they wanted; the patricians insisted that the public land (the *ager publicus*) belonged to them as the original *populus*, and they would admit only their clients as tenants of the land which they had occupied on the ground of their exclusive right.

The *ager* of Labici and Bolæ

A further conquest was that of Labici, 418 B.C., in the neighbourhood of Tusculum. This acquisition of land also was followed by agrarian disputes, for in the succeeding years (416–414 B.C.) the tribunes made proposals of agrarian laws.[3] This time the plebeians carried their point. A colony was sent to Labici, the first of the numerous Roman colonies which can be historically traced to its very foundation, and which remained in the uninterrupted possession of Rome. The colonists had two acres of land each assigned to them, to which was of course added the right of pasture on the common land. Such a scanty allowance seems to have satisfied the plebeians at that time. Yet the patricians must have thought the measure of their generosity exhausted, for soon after they resisted the proposal for the colonisation of Bolæ.[4] Party spirit ran so high that the consul Postumius, who acted as the champion of the patricians, was murdered by his own troops.[5] Whether this crime caused a reaction, or whether other events favoured the policy of the patricians, we know not. But Bolæ was not colonised, and the Roman territory was for a time confined to the extent which it occupied at that period, while soon afterwards (406 till 396 B.C.) the whole strength of the nation was in requisition for the war with Veii.

[1] About seven Roman miles from the gates, whilst Ardea lay at a distance of thirty miles. [2] Livy, iv. 36, 43, 44. [3] Livy, iv. 48, 49. [4] Livy, iv. 52, 53.
[5] See p. 235, and Schwegler, *Röm. Gesch.*, iii. 163, 167.

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Question of a tax for the occupation of land.

The agrarian disputes just referred to were not confined to the question among whom the newly acquired lands should be divided. They extended to the question of the burthens which the new occupants should bear. It seems that at this time the principle was discussed, whether those who received from the state public lands for occupation laid themselves under certain obligations to the state; above all things, whether they should be obliged to pay a tax to the state. Already in the year 424 B.C.[1] we see this proposed by liberal candidates for the office of the consular tribuneship, with this addition, that the income thus obtained should be appropriated to paying the soldiers. Not long afterwards, it is related that the patricians consented to the proposal of giving pay to the troops. To the change in the military organisation in Rome, which was thus effected, the Romans owed the great increase of power which is perceptible from this time forward, and the first important result of which was the conquest of Veii. It seems hardly doubtful that the money for paying the troops was derived principally, if not exclusively, from the taxes which the patrician possessors of the state lands had to pay; for only on this supposition was this new measure of real benefit to the plebs, as it is always represented to have been.[2] It was therefore closely connected with the question about the appropriation and use of the public lands, and may have contributed not a little to support the claims of the patricians to their exclusive use. It was no bad argument if the patricians could say that they bore the cost of defending the state, and were therefore entitled to the possession of the state lands.

Real nature of the plebeian demands.

All previous conquests were insignificant in comparison with the great increase of the Roman power after the fall of Veii, 396 B.C. By it the Roman territory was all at once doubled, and the use to be made of the new districts became inevitably a subject for discussion. The patri-

[1] Livy, iv. 36. [2] Livy, iv. 60. Schwegler, *Röm. Gesch.*, iii. 164.

cians undoubtedly put forward the claim, which they had never relinquished, to the sole possession of the conquered state lands, while the plebeians urged a division of land as private property. The Roman writers have misrepresented these disputes in the interest of the aristocratic party. According to their account, the plebeians intended to divide the Roman state, leaving one-half of the citizens in Rome, and sending the other half to colonise Veii. This pernicious scheme, which threatened Rome with a fatal division, the patricians opposed with all their might, and finally succeeded in frustrating. This account, which is in substance repeated after the burning of Rome by the Gauls, is nothing but an attempt to accuse the plebeians of folly and treason, and so to misrepresent their demands as to insure their condemnation by every patriotic Roman. It is not difficult to discover what the plebeians really wanted. They wished no separation from Rome, nor did they propose a plan which would have substituted for the overthrown Veientine state a more formidable rival of Roman ascendancy. All that they insisted on was to acquire land for themselves in the conquered territory. This demand was so just that it could not be resisted in the end, and it was at last agreed that an allotment of seven jugera a head should be made.

The exile of Camillus, as connected with the tithing of the spoil.

A further misrepresentation of the facts is the story that Camillus dedicated to the Delphian Apollo the tenth not only of the movable spoils but also of the conquered land of Veii, and that the obligation of returning a tenth of the spoils and raising, at the public cost, the value of a tenth of the land, caused the serious contentions in Rome which ended in the exile of Camillus. It has already been mentioned that the story of the Delphian oracle and the dedication of the golden bowl is most likely a late invention. The origin of the tale may easily be accounted for. It was nothing but the general obligation imposed on the occupiers of the territory of Veii to pay a tenth of the produce. Such a tax was not unreasonable, so far as it was imposed on the occupiers of what was properly public land.

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It is therefore not likely that it was objected to by the patricians, who were still the only occupiers of public land. If the plebeians objected and raised an outcry against the tax, it can only be explained by the supposition that they claimed to have land allotted to them as freehold and not subject to annual payments.

The plebeian allotments of land.

They received in fact allotments of seven jugera a head. Such a large allowance, in such a fertile district and so near to Rome, would no doubt have satisfied all their expectations, if it had not been burthened with a tithe or rent charge. As discontent no doubt existed, according to all accounts, on the part of the plebeians, and assumed the form of protests against the payment of a tenth for the Veientine holdings—as, moreover, the story of the payment of this tenth to the shrine of Apollo at Delphi is untrue—it seems natural to infer that the much-vexed agrarian question lay at the bottom of these difficulties, and that the partial annalists, who wrote in the interest of the governing class, misrepresented both the discontent of the plebs and the motives and policy of the patricians.

Treatment of the people of Veii.

It is very uncertain in what manner the old inhabitants and cultivators of the Veientine country were treated. The tradition appears to assume that they were incorporated as Roman citizens into the four tribes newly formed from the conquered land. But such mild treatment of bitter enemies would not have been in accordance with Roman customs, and it was not practicable in this particular case, because the land of the conquered was to be taken possession of by the Romans. Perhaps we are not far wrong if we suppose that, with the conquest of Veii, the employment of slaves for domestic service and for agriculture became more general. In the old time the number of slaves in Rome was very small, as is natural in a state of society characterised by simplicity and poverty. The clientela of the subject population served to a certain extent the purpose of slavery in later times. Slavery, like the milder servitude of the clients, was the result of the

subjection of enemies. The difference was this, that if the conquered people were left in possession of their hereditary lands, they became clients; if they were removed from their lands, they fell into the condition of slaves. The foundation of the Roman state was followed by the establishment of clientship; the extension of the Roman dominion led to an increase of slavery. Before the taking of Veii, the Romans had had but little opportunity of taking prisoners of war in large numbers, for they had made no conquests by which the great bulk of the hostile population fell into their power. But this was now the case with the numerous defenders of the large and populous town of Veii, which no doubt consisted in great part of country people from the surrounding districts. It is possible that some townships of the country of Veii obtained milder conditions, as having surrendered themselves to the Romans in the course of the war. If, in consequence of this, a part of the conquered land was not forfeited, yet there can be little doubt that the larger and more fertile part of the country was divided among the Romans, and that these new owners were the citizens authorized to vote in the newly established tribes.

Increasing wealth of the Romans.

With the conquest of Veii, therefore, we see Rome entering on a period of power and prosperity, which appeared to be a guarantee for a steadily continued development. Rome began to grow wealthy. The possessions of the influential families already covered hundreds of acres of land.[1] Agriculture, it is true, remained the foundation of the national wealth; trade and commerce were only secondary sources of it. But in this direction also a beginning was probably made, for by the conquest of Veii no doubt thousands of skilful artisans fell into Roman captivity. Even the circumstance that Rome allured the rapacious hordes of the Gauls may be taken as evidence that at that time it began to rank among the wealthy towns of

[1] This may be inferred from the fact that, only thirty years later, the Licinian laws restricted the possessions of one citizen to the maximum of five hundred jugera.

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Italy. Everything tends to show that, before the invasion of the Gauls, Rome was on the point of taking a great start and entering on a period of rapid development, when it was suddenly stopped, and for a considerable time sank into a state of weakness which endangered its position at the head of Latium.

CHAPTER XVIII.

THE INVASION OF THE GAULS, 390 B.C.

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WHILE in Italy the native Sabellian races, as well as those of foreign origin, the Etruscans and the Greeks, had arrived at various degrees of civilisation and national prosperity, and were practising agriculture, trade, commerce, and the arts, the north of Europe, separated from sunny Italy by the great Alpine wall, was traversed by restless swarms of barbarians, who, with unsteady aim, were drifted, like the clouds of dust in the desert, in different directions, unwilling to settle down permanently and to live by the proceeds of their labour. Coming from the east, the great nation of the Celts or Gauls had taken possession of the western countries of Central Europe even to the sea, and from this their chief seat, which after them was called Gaul, Gallic hordes had crossed the Pyrenees and the Channel, to spread themselves in Spain and Britain. They had also found their way across the Alps at an early period. During a number of years swarms of them had penetrated to the level lands of Northern Italy, and had either subjected or expelled the former inhabitants of those parts. The Etruscan towns in the rich valley of the Po fell one after another into the hands of the Gauls. Civilisation and art succumbed to barbarism. The most fruitful plain of Italy again became almost a wilderness.

Condition of Northern Europe.

Northern Italy, between the Alps and the Apennines, was justly called from this time forward Cisalpine Gaul. In the extreme east only the Veneti preserved their independence, and in the west, the Ligurians, between the Alps, the Apennines, and the sea. The Umbrians,

Conquests of the Gauls.

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who lived between the Apennines and the Adriatic, and of old possessed the plain northwards far towards the Po, were driven southwards, and their collision with the Sabines caused the numerous migrations which brought the Samnites and the cognate tribes into the coast districts and to the south of the peninsula.

Advance of the Gauls.

The most advanced tribe of the Gauls were the Senones on the Adriatic Sea, to the east of Central Etruria. While Rome reduced South Etruria to a state of subjection, these Gauls crossed the Apennines, and appeared suddenly before the gates of Clusium, the powerful Etruscan town from which, according to the ancient legend, King Porsenna had marched to attack Rome. When nations are migrating and seeking either booty or new settlements, no special inducement or provocation is needed to call forth their hostility. Whoever is in their way, whomsoever they can subdue and despoil, he is their enemy. They know no other policy and no other motives. It is therefore nothing but a foolish tale which relates that an inhabitant of Clusium, in order to avenge himself on a powerful enemy, the seducer of his wife, prevailed on the Gauls to cross the Alps, by exhibiting before them specimens of the finest fruits of the rich southern country, and inviting them to take possession of districts which produced such delicacies, but were inhabited by cowards.[1]

The story of the Roman ambassadors to the Gauls, and of the battle of the Allia.

When the Clusians were threatened by the Gauls, so ran the Roman account,[2] they sent an embassy to Rome asking for assistance. The senate despatched an embassy, consisting of three of the noblest men in Rome, sons of M. Fabius Ambustus, to warn the Gauls that they should desist from hostilities against the friends and allies of the Roman people. The haughty barbarians received with scorn and contempt a threat from a people whose very name was unknown to them. They demanded from the Etruscans land, where they might dwell, and relied upon the right of the stronger. A battle was fought between

[1] Livy, . 33.

[2] Livy, v. 35.

them and the Clusians; and the three Romans, eager to fight, and unmindful of the sacred right of nations which protected them as ambassadors against violence and also forbade their engaging in acts of hostility, took part in the battle, and fought in the foremost ranks of the Clusians, where one of them slew a Gallic chief and took his armour. The whole rage of the northern enemy was thus diverted from Clusium against Rome. They demanded from the senate the delivery of the three ambassadors; and when the Roman people [1] rejected this demand, and even chose as consular tribunes for the next year the same men who had broken the law of nations, they marched with all their force down the valley of the Tiber towards Rome. At the small river Allia, only eleven Roman miles from the town, on the left bank of the Tiber, the two armies met, in the middle of summer.[2] The Romans were put to flight, almost without offering any resistance. A panic seized them at the sight of their gigantic enemies, who rushed to the attack with a terrific war-cry and with irresistible impetuosity. In one moment the legions were broken and scattered in headlong flight. The Romans were slaughtered like sheep, and in their despair they plunged into the waters of the Tiber; but even there many were reached by the darts of the enemy, and many sank

[1] The refusal to give satisfaction to the Gauls was evidently unjust, and was the cause of a great calamity. Accordingly it is represented as caused by a decision of the people, while the senate is exculpated. We have already noticed above (in the case of the unjust decision in the quarrel of Ardea and Aricia) that the bias of the Roman historians is in favour of the nobility and against the people. (See above, p. 229.) We have here a corroborating instance.

[2] According to Diodorus (xiv. 14), who does not mention the river Allia, the battle was fought on the right bank of the Tiber. This locality suits the narrative much better in some respects. It explains how the bulk of the Roman army could take refuge in Veii (Livy, v. 39; Diodorus, xiv. 115), and, moreover, how it was that the Gauls took two days before they entered the deserted city. But if, as Livy (v. 40) states, the fugitives from Rome poured over the wooden bridge towards the Janiculus and Cære, the battle can hardly have taken place on the Etruscan side of the Tiber. The river Allia has been sought by all writers on topography on the left bank (see Smith's *Dictionary of Ancient Geography*, article 'Allia'); but it is impossible to identify it. It is curious that the locality of such a decisive battle, in such close proximity to Rome, should be doubtful.

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under the weight of their arms. Only a small part of the fugitives reached the opposite bank, and rallied in the ruins of Veii. A few, and among them the consular tribune Sulpicius, reached Rome by the direct road. The Roman army was annihilated at one blow. Even the enemy were astonished at their unexpected success. They dispersed themselves to despoil the slain, and, according to their custom, they stuck the severed heads upon spears, and erected a monument of victory on the battle-field.

Dread of the Gauls at Rome.

The defeat of the Allia was never forgotten by the Romans. The 18th of July, the anniversary of the battle, was for all time looked upon as an unlucky day. The panic, which alone had caused the misfortune, struck so deep into their minds that, for centuries afterwards, the name and the sight of Gauls inspired them with terror. The Romans never trembled before Italian enemies. Even Hannibal and his Punic army they encountered with manly courage. The greatest reverses, sustained in the wars with these enemies, produced but a temporary, passing effect. But the Gauls and the Germans were terrible to them.[1] It was only with his iron discipline that Marius kept the legions together when they had to encounter the northern barbarians. Even as revolted slaves they inspired this terror, after they had worn Roman chains. Cæsar had difficulty in accustoming his soldiers to the sight of the daring warriors of Ariovistus, and terror convulsed even imperial Rome when Varus, with his legions, met his fate far away in the forests of Germany.

Terror at Rome.

The whole of the Roman people followed the example of the army. The machinery of government was out of gear all at once. The magistrates had ceased to govern. Fear,

[1] Sallust, *Jugurtha*, 114: 'Usque ad nostram memoriam Romani sic habuere, omnia alia virtuti suæ prona esse, cum Gallis pro salute, non pro gloria certare.' The Gauls and the Germans were not clearly distinguished from one another by the Romans before the time of Julius Cæsar. They were identified in the eyes of the Italians by their common character of undisciplined, impetuous ourage, and their barbarism.

terror, and despair reigned throughout the town. Every one thought only of himself, of personal safety, of speedy flight. The army was believed to be annihilated, and everything was given up for lost. No one thought of defence. The walls were not manned; even the gates were left open. In confused crowds the train of fugitives hurried across the bridge over the Tiber towards the Janiculus. What could not be carried away or was forgotten in the confusion of the hour, was left behind to the mercy of the enemy. There was scarcely time to bury some sacred things, and for the vestal virgins to carry away the sacred fire in safety to the friendly town of Cære. The monuments of antiquity, the bronze tables of the laws, the images of gods and heroes, the old annals and whatever written documents were then in existence—all were abandoned and doomed to perish in the impending destruction.

The senate on the Capitoline hill.

But Rome was not destined to be quite overwhelmed by the barbarians. The Capitoline hill, with the fortifications and the temple of Jupiter, was taken possession of by armed men, and by the remnant of senators and magistrates. This isolated rock rose above the wide-spreading flood and transmitted the continuity of the Eternal City unbroken to the coming generations. From the centre Rome was destined soon to rise with renewed vigour, and to see the sons of the haughty barbarians led captive before the triumphal cars of her victorious sons.

Arrival of the Gauls.

Not till the third day after the battle did the Gauls appear before the town. When they found the walls unoccupied and the gates open, they feared an ambush, and for a long time did not venture nearer. At last they satisfied themselves that the place was undefended, and entering found the whole town forsaken and the streets empty. Only here and there, in the halls of their houses, they saw venerable old men, earnest, dignified, and motionless as statues, sitting on ivory chairs. They were a number of the oldest senators—men who in previous years had commanded the armies of the republic, and now, too proud for flight, preferred to await death amid the ruins of their native town.

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Their wish was fulfilled. They fell under the blows of the barbarians.[1] When the enemy had sacked the empty town, the work of destruction began. From the Capitoline rock the men of Rome were doomed helplessly to look on and see their dwellings and the temples of their gods consumed by the flames. The end of the Roman state seemed to have come. The people were dispersed, the army annihilated, all order dissolved, the town in ashes. Who could hope for a rise after such a fall? Could such a night be ever succeeded by another day?

Siege of the Capitol.

Yet the remnant of the Roman nation never despaired of their fatherland. A desperate assault of the Gauls against the Capitol was repulsed. For a regular siege of a fortified place the disorderly hordes of Gauls were neither disposed nor qualified. They confined themselves therefore to blockading the Romans, in the hope of forcing them through hunger to surrender. One part of their troops they sent into the neighbouring districts to collect provisions; the rest encamped among the ruins of the town.

The story of Pontius Cominius.

In the meantime the fugitive Romans in Veii had recovered themselves from the inexplicable terror which had seized them at the sight of the Gauls, and by degrees they so far acquired courage that, under the guidance of a plebeian captain, M. Cædicius, they drove back a party of Etruscans, which had invaded the Roman territory on the right bank of the Tiber. By degrees, as they gained confidence, they aspired to deliver Rome from the barbarians. But it was felt that this undertaking could be ventured on only under the guidance of Camillus, who was living still in banishment in Ardea. In his new home Camillus had proved his Roman courage. At the head of the men of Ardea, he had surprised a party of plundering Gauls and annihilated them. But however much his heart might long to deliver his country, he could undertake nothing as an exile and without official authority. There-

[1] Sir G. C. Lewis (*Credibility of Early Roman History*, ii. 343) considers the story as improbable.

fore a bold youth, Pontius Cominius, undertook to go from Veii to the senate on the Capitol to communicate the wish of the army. He swam down the Tiber, climbed up the steep sides of the Capitoline rock, and after the senate had decided on recalling Camillus and choosing him as dictator, he returned by the same way. But this bold deed almost caused the destruction of all. The Gauls discovered the foot-prints where Cominius had climbed the rock, and, following this track, they tried to surprise the Capitol in the following night. The Roman guards slept. The first foes had already reached the height, when the garrison was aroused by the cackling of the geese in the temple of Juno, and the ex-consul M. Manlius hurried to the threatened place, and struck down the foremost of the Gauls, who in his fall dragged others with him. Thus, by the wakefulness of the geese and the prompt courage of Manlius, the Capitol was saved.

The vengeance of Camillus.

Nevertheless the blockade continued without interruption. In vain the besieged looked anxiously from the height of the Capitol into the distance. The expected help was nowhere to be descried. The provisions were wasting away, and hunger began to cripple the limbs and to warp the courage of the garrison. There was only one chance of deliverance left. The Gauls did not seem averse to withdrawing, in consideration of a ransom. Negotiations were opened, and it was agreed that Rome should be redeemed by a ransom of a thousand pounds of gold. The treasures of the temples and the gold of the trinkets which the noble ladies willingly gave up, scarcely sufficed to raise such a large sum. The gold was weighed on the Forum before the barbarians, and when the consular tribune Sulpicius complained that the Gauls made use of unjust weights, Brennus, their king, threw his sword into the scale and said, 'Woe to the conquered!' All of a sudden, however, Camillus appeared on the Forum, at the head of a body of troops, and stepping between the disputants, declared the contract which was signed without his sanction to be null and void, and when the Gauls protested he

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drove them by force out of the town. They drew up their forces at a short distance from the gates. On the road to Gabii a battle was fought. The Romans conquered and not a Gaul escaped. Brennus himself fell into the hands of Camillus, and as he asked for mercy Camillus returned his haughty words, 'Woe to the conquered!' and slew him. Thus was Rome delivered from the Gauls, after they had remained in the town for seven months. The disgrace of the Roman overthrow was blotted out; the insolent enemy was punished, and by the heroism of one man the humiliating agreement was set aside whereby the Romans, in their despair, had ransomed themselves from their enemies with gold, unmindful that a Roman should purchase his freedom not with gold but with steel.

Different versions of the story of the Gallic invasion.

The foregoing story, which, on the whole, is abridged from the masterly narrative of Livy,[1] belongs to that class of narratives in which we can most easily detect the additions, ornaments, and poetical inventions of a later time, partly because they betray themselves by their fantastical features, partly because we find in Diodorus and Polybius much more simple and authentic accounts of the invasion of the Gauls, and with their assistance are enabled to recognise distinctly the event in its grand outlines. At the outset the story of the embassy of the three Fabii to the Gauls before Clusium is very improbable. It is not easy to understand why the people of Clusium should send to Rome for assistance,[2] still less how the Romans could at that time employ a phrase which afterwards became popular among them, viz., that 'the Gauls should leave the friends and allies of the Roman people unmolested.'[3] The vanity of the Fabian house and their family traditions are no doubt the source of the story that the Gauls

[1] Livy, v. 33–49.

[2] According to Livy (v. 35) they pleaded that they had remained neutral during the Veientine war. Sir G. C. Lewis, *Credibility of Early Roman History*, ii. 341.

[3] In the account of Diodorus (xiv. 113) the three Fabii were sent as ambassadors not to the Gauls, but to the Etruscans only, for the purpose of obtaining information.

remarked the three Romans in the Etruscan army,[1] and, on account of the violation of the law of nations, relinquished their attack on Etruria to advance straight upon Rome. From what we know of the Gauls of this time, they marched through Italy for the purpose of plundering, without scrupulously searching for just grounds to declare war on this or that nation. Thus they attacked Clusium, and for no other purpose they turned against Rome.[2]

The dictatorship of Camillus.

The men who composed the eulogium of Camillus contributed most of the embellishments and falsifications of the story. The fictions are so clumsy and awkward that they betray themselves immediately. At the same time we discover in them an author but little acquainted with Roman affairs and constitutional practice.[3] The object of the narrator was to represent Camillus as the true deliverer of Rome. Hence the story of his recall from Ardea, and his nomination as dictator. In this story the fact is overlooked that, according to the previous account, Camillus was not sent into exile, but only condemned to pay a fine; that he voluntarily left Rome, and therefore had not lost the Roman citizenship, and that accordingly his recall required no vote of the people.[4] The narrator, moreover, appears not to have known the forms observed on the nomination of a dictator. He causes him to be elected by a vote of the people, whereas the nomination ought to have been made by one of the consular tribunes.[5] It cannot be conceived why this rule should have been departed from,

[1] Livy, v. 36: 'Tantum eminebat peregrina (i.e. Romana) virtus.' The domestic annals of the Fabii seem to have furnished a considerable part of the story of the Gallic war. The chief pontiff, who prepared the old senators for a voluntary death, was a Fabius, probably the father of those three ambassadors (Livy, v. 41). Another Fabius (Q. Fabius Dorso) performs the wonderful exploit of walking from the Capitol to the Quirinal and back again unhurt, through the midst of the Gallic host, to perform a solemn family sacrifice (Livy, v. 46).

[2] Sir G. C. Lewis (*Credibility of Early Roman History*, ii. 341) remarks: 'The violation of the law of nations by Fabius the ambassador was an act more likely to strike the Romans than to offend the Gauls, who were little better than savages, and probably had scarcely any notion of the law of nations.'

[3] Compare p. 252.

[4] Livy, v. 43–46.

[5] Schwegler, *Röm. Gesch.*, iii. 264.

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seeing that, according to the received account, the consular tribune Q. Sulpicius Longus was on the Capitol, and could, at the request of the senate, easily nominate a dictator. The story therefore, creates a difficulty which, in reality, did not exist. On the other hand, it conceals or ignores an obstacle to the legal transfer of dictatorial power to Camillus. The law required that the dictator, after being duly nominated by a consul or consular tribune, should personally [1] propose to the comitia curiata the law (the *lex curiata de imperio*) which conferred on him the military command. Camillus could only do this if he was himself on the Capitol, for the curies could not assemble outside Rome. These are our reasons for doubting the dictatorship of Camillus. Moreover we possess an account which is free from the silly theatrical scenes in which Camillus suddenly appears, like a *deus ex machinâ*, in the Forum, and defeats and slays the Gauls. According to Diodorus, Camillus is not made dictator until the Gauls have evacuated Rome. We have therefore no alternative but to prefer this simple narrative, and to reject every word which connects Camillus with the deliverance of Rome from the Gauls.

The retreat of the Gauls.

In like manner we must condemn the story which ascribes to Camillus the honour of having taken from the Gauls the spoils and the ransom of a thousand pounds of gold. It is plain, from the report of Polybius, that neither Camillus nor any one else was so fortunate as to accomplish such a feat. Polybius reports that the Gauls retired 'unmolested with their booty.'[2] He does not even mention the ransom at all, so that perhaps even this story was invented for the same purpose of glorifying Camillus. It is indeed neither impossible nor improbable that the Gauls, after the destruction of the town, were induced to retire by a sum of

[1] Cicero, *De Rep*, ii. 13, 17, 18, 20, 21. Livy, ix. 38, 39. Compare Becker, *Röm. Alterth.*, ii. part 1, p. 328.

[2] Polybius, ii. 22 § 5: γενόμενοι δὲ καὶ τῶν ὑπαρχόντων ἁπάντων ἐγκρατεῖς, καὶ τῆς πόλεως αὐτῆς ἑπτὰ μῆνας κυριεύσαντες, τέλος ἐθελοντὶ καὶ μετὰ χάριτος παραδόντες τὴν πόλιν, ἄθραυστοι καὶ ἀσινεῖς ἔχοντες τὴν ὠφέλειαν εἰς τὴν οἰκείαν ἐκανῆλθον.

money, but at any rate the Romans never recovered any portion of such ransom or of booty. According to the most popular story, adopted by Livy,[1] the payment was interrupted by Camillus on the Forum; the Gauls therefore never got the money at all. According to another report,[2] it was taken from the Gauls, by Camillus, when they returned from an invasion of Apulia in the following year. According to a third version,[3] it was brought back to Rome out of the province of Gaul by the proprætor M. Livius Drusus about a century later. The narrators thought it quite possible that a heap of gold should remain untouched in the hands of barbarians for a whole year or even for a century. To us such abstinence appears quite as marvellous as the suckling of Romulus and Remus by a she-wolf, and we decline to accept it as an historical fact. In comparison with it another version seems almost to deserve credit, though that also is rather startling. It is stated[4] that the sum of two thousand pounds of gold, after having been recovered from the Gauls, was deposited in the temple of Jupiter on the Capitol, and remained there untouched for more than two centuries, until in 55 B.C., in the second consulship of Pompeius, it was taken away by M. Crassus. If the Romans were able to lay aside such a handsome sum of money at the period of the great national distress which followed the burning of the city, and if they scrupled to touch it in the war with Hannibal, when they borrowed and took whatever money they could lay their hands on, we must confess that we have a very inadequate conception of the strength of their religious faith and conscientiousness. But we may fairly have grave doubts as to the accuracy of the statement. In the first place the sum paid as a ransom to the Gauls is all but unanimously

[1] Livy, v. 49; xxii. 14. Plutarch, *Camill.*, 29. Zonaras, vii. 23. Sir G. C. Lewis (*Credibility of Early Roman History*, ii. 346) says, 'This narrative, as it is given in Livy, resembles a scene in a melodrama, or a story in Ariosto, rather than an event in real history.'

[2] Diodorus, xiv. 117.

[3] Suetonius, *Tiber.*, 3.

[4] Pliny, *Hist. Nat.*, xxxiii. 5.

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stated[1] to have amounted only to one thousand pounds of gold. If, therefore, it is true that, in 55 B.C., two thousand pounds were found, they must be otherwise accounted for.[2] In the second place all the statements which refer to the raising, paying, and recovering the ransom are so contradictory and unauthenticated that we cannot believe that any trustworthy information existed on the subject.

The story of the dogs and the geese.

The story of the saving of the Capitol by M. Manlius and the cackling of the geese is in itself not incredible, and it may have been part of a very old tradition. 'It seems probable that while many of the great outlines of the history have been effaced, some of the minute details—such as the alarm given by the geese, the removal of the vestal virgins in the waggon of Albinius, and the sacrifice of Fabius—may have been faithfully preserved by tradition, or by the pontifical scribes.'[3] At the same time even this part of the story is not free from objections. In the first place the tradition was by no means uniform that the Gauls had climbed up the rock, following the track of

[1] Livy, v. 48. Diodorus, xiv. 116. Valer. Max., v. 6, 8. Plutarch, *Cam.*, 28. Zonaras, vii. 23. The statement that it amounted to 2,000 pounds, made by some writers (*e.g.* Varro, apud Non., p. 228), is an inference from the passage of Pliny, *Hist. Nat.*, xxxiii. 5.

[2] Pliny (*loc. cit*) supposes the second thousand pounds of gold were the spoils of the temples recovered from the Gauls. Livy (v. 50) says that a sum of money, saved from the various temples and deposited in the temple of Jupiter, was left there after the departure of the Gauls along with the ransom money, because it was found impossible to distinguish what belonged by rights to each temple. These are poor attempts at an explanation. It is evident that the ancients had no authentic information or knowledge of the origin of the alleged treasure of two thousand pounds of gold. Therefore, if we are disposed to admit its existence, Schwegler's conjecture (*Röm. Gesch.*, iii. 267) is very plausible, that the gold for the ransom was taken from the Capitoline temple with the pledge of restoring it twofold, and that for the purpose of raising this sum of two thousand pounds of gold the tax (*tributum*) was laid on, which the people complained of so loudly. Schwegler points out how improbable it is that any such tax should have been imposed on the few defenders of the Capitol, and likewise that the women should have contributed towards it. His view, therefore is, that the Gauls retired on the payment of a ransom, that the gold for this ransom was taken from the temple of Jupiter, that the Gauls made off with it in safety, and that afterwards the Romans restored double the amount to the temple, where it remained till 55 B.C. This view is consistent and, on the whole, supported by the evidence, such as it is.

[3] Sir G. C. Lewis, *Credibility of Early Roman History*, ii. 355.

Cominius, for one version[1] made them get into the Capitol by a mine. In the second place, it is possible that the story of the geese was an ætiological legend, *i.e.*, a legend invented to account for the origin of a custom or religious ceremony. It is reported that, in memory of the watchfulness of the geese and the negligence of the dogs, a procession took place every year in Rome, in which a dog fastened to a cross, and a goose decorated with gold and purple, were carried through the streets.[2] Now it is hardly probable that an event like that reported of the geese should have given rise to such a religious ceremonial. Dogs were sacrificed on several occasions;[3] the geese were sacred to Juno before the period in question, as the legend itself presumes. It is therefore more probable that the legend arose out of the religious custom, than the custom out of the alleged event.

Share of the Latins in the war.

Our inquiry shows that the greatest part of the common story does not belong to history but to fiction. On the other hand the narrative is defective. It does not say, for instance, what part the Latins took in the war with the Gauls. A very few faint traces indeed there are, which point to the fact that the Latins were not idle spectators during the Gallic invasion of Latium.[4] In fact, as they were in the same danger as the Roman themselves, we cannot believe that they would on this occasion maintain a cowardly and foolish neutrality. It was not difficult for them, in their fortified towns, to defy the blind courage of the Gauls, as the Romans did on the Capitol, and to harass small detachments and troops of plunderers. Thus they

[1] Cicero, *Pro Cæc.*, 30, 88; *Philipp.*, iii. 8, 20. Servius, *Æn.*, viii. 652.

[2] Sir G. C. Lewis, *Credibility of Early Roman History*, ii. 345.

[3] Schwegler, *Röm. Gesch.*, iii. 259, Anm. 4.

[4] According to Polybius (ii. 18), the Gauls defeated the Romans *and their allies*. (Compare, however, Sir G. C. Lewis, *Credibility of Early Roman History*, ii. 326, note 94, who rather fancies that these allies were the people of Clusium.) The people of Ardea, under the command of Camillus, surprised and defeated a troop of Gallic plunderers (Livy, v. 44. Plutarch, *Camill.*, 23). This, it is true, looks like one of the stories inserted for the glorification of Camillus. More authentic appears to be the statement of Livy (v. 46) that in the Roman army at Veii there were also Latin volunteers.

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may have played an important part in the deliverance of Rome; but the Roman annalists, intent only on their own glorification, have been ungenerously silent about the deserts of their allies.[1]

Residuum of historical fact.

After what has been said, it appears that the substance of historical facts to be drawn from the long descriptions of the Gallic conquest is very meagre. There is nothing certain but the general rough sketch of the picture. All the details are doubtful or deceptive. There remains only the bare fact, that the Gauls made an unexpected invasion, that the Roman army was overthrown, that the town was sacked and burnt, the Capitol besieged in vain, and that after some time the enemy retired with the spoils which had been taken.

Effects of the Gallic inroads.

That this invasion of the Gauls was a great misfortune for Rome cannot be denied. Yet it appears that the panic, which was the chief cause of the disaster, also tended to increase the impression which it made on the public mind. The Gauls were not in a position to make a permanent conquest. After they had retired, the former state of things returned, as the old configuration of the soil remains after an inundation. The body politic had been paralysed, not killed; the organism was not destroyed, its action only had been arrested for a short time. Certainly it was necessary to rebuild the town, which had been burnt to the ground; but the state recovered its former vigour without difficulty. It may even be that the invasion of the Gauls was more destructive to neighbouring nations than to Rome itself, and that Rome indirectly gained more from it than it lost. At any rate we find Rome, immediately after the retreat of the Gauls, in such a commanding position with regard to the Latins, the Æquians, and the Volscians, that its power seems in no way diminished.

[1] If nothing was known of the battle of Waterloo except what is contained in some popular histories or in the traditions of the lower orders in England, how much would posterity learn of any important share of the Prussians in that decisive victory? The most popular military historians of the French hardly ever mention their allies, except for the purpose of casting on them the blame for a reverse.

CHAPTER XIX.

SOURCES OF EARLY ROMAN HISTORY.

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THE destruction of Rome by the Gauls is so marked a point in the history of the Romans, that the plan of those writers who (like Claudius Quadrigarius among the ancients) begin their narrative at this point, has much in its favour. The history of the regal period, and of the first 120 years of the republic, is not derived from contemporary witnesses, but was composed *after* the Gallic conflagration. Whatever historical monuments existed were almost entirely destroyed in the burning of the town, and the distress of the time which immediately succeeded left no leisure for restoring historical documents. We must not deceive ourselves by thinking that the time before the Gallic invasion belongs, strictly speaking, to the domain of history, inasmuch as history is intended to exhibit successive events in their connexion of cause and effect, and to trace a certain law of development, to make us understand and appreciate the character of individuals and of political bodies. It seems, therefore, advisable to pause here for a moment, and to review the sources of information possessed by the oldest annalists. We are the more called upon to do so as we require a justification for tarrying so long in the labyrinth of legends and of traditions more perplexing than instructive.

Alleged destruction of historical records.

Before the second Punic war, the Romans possessed no connected general account of their own history. An annalistic literature first grew up with the Greek work of Fabius Pictor, and continued to be cultivated until the

The Roman annalists.

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end of the republic. It is from these annalists, whose works have all perished, that our authorities, such as Livy and Dionysius, have derived their information. But even Fabius Pictor and his imitators had predecessors, and it is important for us to know these predecessors, and to judge of the materials from which they gathered the knowledge of things which happened before their time.

Roman gentes.

The Roman nation was formed by the union of tribes and houses, which had been originally almost or entirely independent, whose recollections extended much further back than those of the united community, and whose peculiarities were lost only by degrees in the general character of the Roman people. Every family had its own domestic duties and religious rites, sanctuaries, and festivals, the preservation of which was considered a most sacred duty. Each peculiar custom gave rise to certain historical traditions, which were the common property of all the members of the family, and were preserved the more scrupulously as the happiness and prosperity of the family were supposed to depend upon the due observance of their religious duties. Thus there were formed distinct groups of families, closely connected together, and distinguished from the rest of the community by the common name of the house (*nomen gentile*). No ancient people possessed such a strongly developed and exclusive organisation of families and houses as subdivisions of the community at large as the Roman, and nowhere was family pride carried to such an extent.[1]

Their chronicles.

The history of Rome grew up in a manner analogous to the Roman people. As families, houses, and tribes were combined to make up the body of the citizens, so the private traditions, chronicles, and monuments of the dis-

[1] Indications of this family pride are to be found in every direction. We will notice in this place only the practice of designating the laws by the names of those men who had introduced them into the legislature. This is to some extent, but not officially, the practice in England, a country more under the influence of hereditary legislators and a small number of noble families than any other in modern Europe.

tinguished families of the Roman nobility were the materials out of which Fabius Pictor and his successors formed the history of the Roman commonwealth. Even though we had no authentic evidence of the existence of such family chronicles, we still could infer, from what we know of the patrician pride, that in every family traditions of the noble deeds of their forefathers must have been most carefully preserved. Even in the oldest period of the republic, and within the body of the patricians, there was a select nobility, founded on the distinction which certain ancestors had won in the service of the state. It was accordingly of great importance to preserve the evidence of the exploits of the great men belonging to each noble family, and to record the offices which they had filled,[1] in such a manner as would serve, before the whole nation, as a public proof of nobility. Hence the care bestowed on the images of ancestors, which were preserved in the hall of each house; and hence the solemn pomp of the funerals, in which a noble Roman was accompanied to the grave not only by his living friends and relatives, but by the whole series of his ancestors, clothed in the robes of their offices. Hence, also, the solemn funeral orations and laudations, which to a certain extent took the place of a national epic poem or a popular history, and which preserved the memory of the most important transactions. Out of these funeral orations and family traditions arose the domestic chronicles, which, as we are told on good

[1] It is highly characteristic of the administration of the Roman republic, that the houses of the nobility served as public archives. Pliny, *Hist. Nat.*, xxxv. 2: 'Tablina codicibus implebantur et monumentis rerum in magistratu gestarum.' See Festus, s. v. Tablinum, p. 356, ed. Müller. These records of public acts constituted in themselves a species of history; at least they were the groundwork on which portions of the history of Rome could be based; but of course they were liable to be tampered with through the vanity of those who had the keeping of them. Sir G. C. Lewis (*Credibility of Early Roman History*, i. 137) remarks: 'That such should have been the ordinary practice at Rome is not to be wondered at, when it is remembered that, even in England, up to a comparatively late date, it was the practice of the Secretaries of State and other high officers to carry away all their official correspondence on going out of office.'

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authority, existed in Rome.[1] A careful examination of the oldest history of the republic shows that a considerable portion of it is taken from such traditions of the Valerian, Fabian, Quinctian, Furian, and other houses. At what time these traditions were written down in the form of domestic chronicles cannot with certainty be determined. Perhaps the beginning was made before the Gallic invasion; but such documents, if they existed at that time, were mostly lost in the burning of the town, and could not be restored afterwards without the chance of admitting a great amount of error.

Public lists.

As such domestic records dealt only with isolated portions of the events of the past, many things were necessarily overlooked, whilst repetitions, inaccuracies, and contradictions were numerous. It would have been impossible for Fabius Pictor to compose, from these materials alone, a connected, consecutive history. He must have had documents before him which served to string together, in something like chronological order, the motley materials, drawn from the traditions of the different

[1] Gellius, *Noct. Att.*, xiii. 19. Beaufort, *Dissertation sur l'incertitude*, p. 96. Hooke, *Hist. of Rome*, iv. p. xxxix. Niebuhr, *Röm. Hist.* i. 267; English translation, i. 250. Arnold, *Hist. of Rome*, i. 371, 391, 548; ii. 113, 180, 200, 452. Becker, *Röm. Alterth.*, i. 34. Schwegler, *Röm. Gesch.*, i. 14. Sir G. C. Lewis (*Credibility of Early Roman History*, i. 190 ff.) is not inclined to admit the great antiquity of family chronicles, nor their use by the first annalists of Rome, though he says: 'It is not improbable that the composition of family memorials may have been carried one step beyond the funeral panegyrics and the inscriptions of images; and that the exploits of a series of distinguished persons, belonging to the same lineage, may have been combined into a connected narrative, for the use of certain illustrious houses.' As to the antiquity of family chronicles, it is true, we cannot speak with any degree of certainty. Yet Livy's words (vi. 1), where he speaks of the 'literæ quæ in *privatis* monumentis erant,' can only be referred to such documents, and their date would, from this passage, have to be placed before the Gallic conflagration. See also above, p. 106. On this subject Dr. Dyer's remarks (*History of the City of Rome*, p. xxxi) are perfectly correct: 'When we reflect upon the nature of the early Roman state, the ambition, rivalry, and love of glory of the great families, the desire to perpetuate the memory of events, so strongly manifested by the keeping of public registers, by inscriptions, public statues, private images, and the like, it would have been strange indeed if the men who had played a great part in public affairs, and who possessed the means of recording their acts in writing, should, with unnatural apathy, have neglected to do so.'

families. These documents were supplied by the official lists of magistrates.[1] In a republic with annually changing magistrates, it was absolutely necessary to have authentic records of the names of these officers, especially as these names served, in the absence of a recognised chronological æra, to mark the successive years. Such official lists of magistrates were kept in the temple of Moneta, on the Capitol,[2] and they are referred to as early as 444 B.C.[3] Probably they extended as far back as the beginning of the republic. But they perished, for the most part, in the Gallic conflagration, and were restored imperfectly; nor even after this period were they carefully kept, as otherwise the numerous discrepancies and defects in them before and after this period would be unexplained.

The two chief sources of Roman history.

The two principal sources for the earliest connected annals of Rome were accordingly the family traditions and the lists of the magistrates. All the remaining writings and monuments which, in their origin, belong to the time before the invasion of the Gauls, are of inferior importance.

The so-called annals of the pontifices[4] were confined to

[1] On the Libri lintei or Libri magistratuum see Becker, *Röm. Alterth.*, i. 16; Schwegler, *Röm. Gesch.*, i. 17; Sir G. C. Lewis, *Credibility of Early Roman History*, i. 172 ff.

[2] Livy, iv. 20.

[3] Livy, iv. 7, 13, 23.

[4] Annales pontificum or Annales Maximi (see Becker, *Röm. Alterth.*, i. 4; Schwegler, *Röm. Gesch.*, i. 7; Sir G. C. Lewis, *Credibility of Early Roman Hist.*, i. 155). Cato (apud Gellium, ii. 28) characterises the record of the Pontifex Maximus by saying that it mentions such events as the high price of corn or an eclipse of the sun or moon. An attempt has been made lately by Dr. Thomas H. Dyer, in his *History of the City of Rome* (Introduction, p. xviii ff.) to vindicate the Annales Maximi from the scepticism of Niebuhr and his school. Dr. Dyer seems not to doubt the statement of Cicero (*De Orat.*, ii. 12) 'that *from the foundation of Rome* (ab initio rerum Romanarum) the Pontifex Maximus was accustomed to write down all the events of each year and to transfer them to a white board in his house for the information of the people.' These documents, reaching back in an authentic unbroken line to the very commencement of the history of Rome, were, according to Dr. Dyer, the very same which Cicero saw with his own eyes. They escaped the Gallic conflagration; for Livy (vi. 1)—where he states *that the Commentarii pontificum and most other public and private records were burnt*—does not mention that the *Annales pontificum* were burnt also; they were consequently saved, and it is, according to Dr. Dyer, a great logical blunder when Sir G. C. Lewis and Niebuhr infer from Livy's words the very contrary, viz., that Livy meant to assert

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subjects of religious interest, such as wonderful phenomena, the origin and meaning of religious customs and festivals, the building and consecration of temples and altars, epidemic diseases, public calamities, and so forth. The various ritualistic books[1] treated of forms of prayer and sacrifices, of the laws concerning sacred things, of offices connected with public worship, of the duties of priests and their assistants. The official formularies of the secular

their loss, because he makes no exception in their favour when he says that most of the public records were destroyed. We confess we fail to apprehend the logic of Dr. Dyer, but in a decision so simple as this we think it unnecessary to say more. As a curiosity in literature we will mention, however, that Dr. Dyer has examined another passage (Cicero, *De Rep.*, i. 16) from which Niebuhr and Sir G. C. Lewis have drawn a conclusion unfavourable to the existence of authentic Annales Maximi in the earliest times, and which, under the skilful treatment of Dr. Dyer's conservative historical criticism, yields the very opposite result. Cicero tells us that the eclipses of the sun which took place before a certain year (about 350 U.C. or 404 B.C.) were not recorded as they occurred, but were found by astronomical calculation. Niebuhr and Sir G. C. Lewis inferred from this, that if the pontifical annals, which noted such events with particular care, had reached back beyond the year 404 B.C. in an authentic form, it would never have occurred to anybody to make astronomical calculations for this purpose, and that, therefore, the annals purporting to contain contemporary notations for the time before 404 B.C. must have been composed after that period. This conclusion seems to us to be irrefragable. Not so to Dr. Dyer. He thinks that, before the Romans knew the true cause of eclipses, they were unable to put down an eclipse in an historical register, because they could not be sure whether the darkness of the sun might not be the effect of *a cloud or some other cause*. We are here startled by the discovery that eclipses cannot be known as such, nor produce on an untutored barbarian a terrifying effect as marks of divine displeasure, unless the true theory concerning eclipses is so far mastered by them that they can predict them. On the whole, if Dr. Dyer proves anything, he proves too much. If authentic contemporary history, however jejune and scanty, reaches back to the foundation of Rome, or even to the beginning of the commonwealth, how is it possible to account for the numerous uncertainties and contradictions?

[1] Commentarii pontificum augurum (see Becker, *Röm. Alterth.*, i. 25; Schwegler, *Röm. Gesch.*, i. 31; Sir G. C. Lewis, *Credibility of Early Roman History*, i. 170). Regulations on religious matters are quoted from these books, such as the description of the victims proper to be sacrificed on certain occasions, and of the holydays on which water could be turned upon a meadow; or the rule that the bodies of persons who hung themselves were not to be buried. The books of the augurs are cited for the fact that the dictator was anciently called by the title of 'Magister populi,' and Cicero declares that the books of the pontiffs and the augurs attest that there was an appeal to the people from the kings.

magistrate[1] contained in like manner only the necessary rules and instructions for the conduct of the different offices.

Inscriptions and monuments.

But little credit is to be attached to the alleged monuments of the oldest periods. It is difficult to fix the age of such works, unless they bear inscriptions with names or dates. A statue without a name inscribed on it is sure to pass for different persons at different times, or even at the same time.[2] The monuments of the primeval period of Roman history are all more or less suspicious, as comparatively late fabrications. At any rate no safe inference can be drawn from them as to the reality of events, or even of persons, whose memory they appear designed to preserve.[3]

Chronicles of Latin towns.

One source yet remains for the knowledge of the old Roman history, a source out of which the annalists have drawn some valuable facts. This was supplied by the annals of the neighbouring towns, such as Ardea, Tibur, Tusculum, and Præneste. As these towns never suffered such utter destruction as Rome in the Gallic conflagration, they were more likely to preserve old records and monuments.[4]

[1] Commentarii magistratuum. See Bœcker, *Röm. Alterth.*, i. 25; Schwegler, *Röm. Gesch.*, i. 28; Sir G. C. Lewis, *Credibility of Early Roman History*, i. 134.

[2] Like the statue on the Velia, a part of the Palatine hill, which was supposed to represent Cloelia or a daughter of Poplicola.—Livy, ii. 13; and Pliny, *Hist. Nat.*, xxxiv. 13.

[3] On the Roman Capitol there were statues of the kings and of Brutus. Who will venture to fix the age of these pretended portrait statues? We are inclined to think they are of comparatively recent origin. Those of Romulus and Tatius were no doubt of Greek workmanship, as they were naked (see Ampère, *Hist. romaine à Rome*, iv. 4). Perhaps they were carried to Rome from Tarentum after the conquest of that town in 172 B.C. and were statues of Greek deities or men. The re-naming of statues became a common practice in later times. Compare above, pp. 16, 96, 121, 239.

[4] Prænestine books, which related the foundation of the town, are mentioned by Solinus (ii. 3). Such books and local traditions were the sources of information used by Cato in his work called *Origines*, in which he expounded the foundation and history of Italian cities. To them, no doubt, we owe some interesting details, referring to towns in the neighbourhood of Rome, such as the spoliation of Ardea. See above, p. 226.

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Comparison of Roman and Greek history.

It produces a very curious impression when Cicero tries to persuade himself that the history of Rome had, even in the regal period, a firm foundation, because at the time of Romulus Greece was already full of poets and musicians. Long before the building of Rome, Cicero remarks, Homer had flourished and Lycurgus had established the polity of Sparta. The age of Romulus was therefore, according to Cicero, a time when science was matured.[1] The age of fables had passed away; it was already clear day. Granted that this was true of Greece, does it follow that in Italy the day of civilisation had begun to dawn? With the same reasoning a Russian patriot might claim for his country cultivation and advanced science in the fifteenth and sixteenth centuries, because in that age the classical studies were revived and the art of printing was discovered. Only a self-sufficient Roman like Cicero, who believed, or wished to make others believe, that his countrymen had in all things equalled or excelled the Greeks, could overlook the gigantic gulf which separated the Greek from the Italian world. The Greeks were several centuries ahead of the Romans. The whole of that glorious struggle from which Greece came forth victorious over Asiatic barbarism had been fought before Rome burst the narrow boundaries with which it was surrounded at the beginning of the republic. During the time of that brilliant age of the arts in Athens under Pericles and Phidias, Rome was a fortified village, with shingle-roofed houses, and without a single native artist of name. When Athens and Sparta were involved in that destructive war which blighted the blossoms of Greece, Rome was defending herself with difficulty against the Volscians and Æquians. While the family chroniclers of the Romans were relating the foolish tales about the destruction of Veii and the expulsion of the Gauls, and while the pontifical annals recorded, in the driest possible manner, nothing but miracles, pestilences, and famines, Thucydides raised the art of historic writing

[1] Cicero, *De Rep.*, ii. 10: 'Iam inveteratis literis atque doctrinis.

to the highest point which it reached in antiquity. In the year 404 B.C. Athens fell into the power of Lysander; in the same year the last war was commenced with Veii. When Rome was in the hands of the Gauls, 390 B.C., Greece was convulsed with that Corinthian war which directed the weapons of the Greeks away from the decaying Persian empire against their own hearts; and while in Rome the few miserable annals and historical monuments were consumed by the flames, there appeared in Greece the historical writings of Xenophon. It is necessary to keep in mind the contemporary events of Rome and Greece in order rightly to understand the political and intellectual influence exercised by the two foremost nations of antiquity upon each other.

THIRD BOOK.

THE CONQUEST OF ITALY.

CHAPTER I.

FOREIGN HISTORY FROM THE BURNING OF ROME BY THE GAULS TO THE BEGINNING OF THE SAMNITE WARS. 390–343 B.C.

Character of the history for the years immediately following the Gallic invasion.

If the obscurity of the older Roman history, as some have supposed, were to be explained entirely or even chiefly by the fact that the annals then existing were all destroyed in the Gallic conflagration, we might hope that from this time forward the character of the narrative would be essentially different. It is true, we should even yet hardly expect a full, comprehensive, and connected account of the principal events; but we should at least be justified in hoping that the information, however bare, jejune, and incomplete, would be in the main trustworthy; that there would no longer be great uncertainty about times and places; that the same transactions would no longer be related several times over; that we should find no more imaginary battles, conquests, and triumphs; and that accounts contradicting each other, or accompanied with vagueness, obscurity, inconsistency, and palpable errors—above all, that miracles and boundless exaggerations, would no longer disfigure the annals of Rome. But such a change for the better is not perceptible at this period. On the contrary, the mists of antiquity begin, it would seem, to thicken again. The accounts referring to Camillus contain more especially so much exaggeration and fiction that we are rarely conscious of treading on firmer historical ground after the Gallic conflagration, and we cannot avoid the conclusion that, even for some time after that disaster, little was done in Rome to pre-

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serve the memory of passing events from corruption and oblivion.[1]

Exploits of Camillus.

Immediately after the retreat of the Gauls, it is said, all the old enemies of Rome—the Etruscans, Volscians, and Æquians—were again in arms, in order to take advantage of the helpless condition of the Romans, and the threatened revolt of the Latins and Hernicans made these attacks especially dangerous. But the tried hero, Camillus, who now for the second time commanded the Roman legions as dictator, first attacked and overcame the Volscians, and reduced them to final submission after they had carried on war with Rome for seventy years.[2] He then vanquished the Æquians, and turned with the rapidity of lightning against the Etruscans, who, with united powers, were besieging the town of Sutrium.[3] Unable to resist any longer, the inhabitants of Sutrium had already surrendered their town, in consideration of a free retreat, and the train of the poor homeless creatures, with their wailing wives and children, met Camillus, who was hastening to their relief. He immediately pushed forward to Sutrium, where he surprised the Etruscans as they were engaged in plundering the town, and, having regained the place, restored it to the inhabitants on the same day on which they had lost it. A well-deserved triumph crowned this threefold victory.

[1] Livy says indeed (vi. 1) that 'the history of Rome after its second birth will henceforth be related with greater clearness and accuracy.' But this promise is not kept by Livy in the subsequent narrative for a considerable period. Dr. Arnold (*Hist. of Rome*, ii. 2) remarks, with his usual good sense, that no period of Roman history since the first institution of the tribunes of the Commons is really more obscure than the thirty years immediately following the retreat of the Gauls. Sir G. C. Lewis, speaking of these records (*Credibility of Early Roman History*, ii. 361), says, 'Whatever these records may have been, their character must have been fragmentary, and at the most annalistic. They were detached notices and morsels of evidence, but not a continuous narrative: they were not the work of a historian, and they did not of themselves form a history of the period. We may have reached the time when there is a substratum of notation: but we have not yet reached the time when there is an authentic narrative of events.'

[2] Livy, vi. 2.

[3] Livy. vi. 3: 'Etruria prope omnis armata Sutrium, socios populi Romani, obsidebat.' See above, p. 98, note 2.

This story, wonderful enough in itself, is still more curious, because we meet with it again three years later.[1] Again Camillus returns from a war with the Volscians,[2] and marches against the Etruscans, who, in the meantime, had again conquered Sutrium.[3] Again the enemy are expelled and the town is restored to its possessors. Of the two conquests of Sutrium one is clearly fictitious. We should almost be inclined to doubt the other also, because every story related of victories of Camillus is more or less suspicious. But Livy[4] reports that, out of the sum which the sale of the Etruscan prisoners realised, three golden bowls were dedicated as consecrated gifts in the temple of Jupiter Capitolinus, inscribed with the name of Camillus,[5] and that these bowls were to be seen before the feet of Juno until the burning of the Capitol (83 B.C.), and it is, moreover, certain that Sutrium was made a Roman colony seven years after the Gallic conflagration.[6]

Second conquest of Sutrium.

The old confederation of Romans, Latins, and Hernicans, which at no time can have been very firm or mutually satisfactory, was, as we have already seen, very much weakened and modified by the long wars with the Volscians and Æquians. Many of the old confederate cities in Latium had been lost. Those which remained had become more

The Latin confederation.

[1] Livy, vi. 9.

[2] Three years before, the Volscians had, according to Livy (vi. 2) himself, been reduced to submission, and the wars, which had lasted for seventy years, were ended victoriously. Nevertheless they are now again in arms.—Livy vi. 6.

[3] To avoid the semblance of repetition, Livy (vi. 9) relates that this time the Etruscans had gained possession of only part of the town of Sutrium, and that the inhabitants were still holding the other part. Variations of this kind in duplicate stories are quite usual. Their origin is easily explained. When they were not introduced intentionally for the purpose of hiding the repetition, they may have been found by the first compiler of a connected account in the detached and independent sources from which he obtained his information.

[4] Livy, vi. 4.

[5] If the bowls were inscribed only with the name of Camillus, they could not bear testimony to the taking of Sutrium. But unless the statement is rejected as untrustworthy, we may adopt the opinion which assigns that particular circumstance as the cause of the dedication.

[6] Vell. Pater, c. i. 14, 2. Soon after a colony was sent to Nepete, near Sutrium.

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dependent on Rome, and those which were re-conquered from the Volscians did not regain their original position as members of a confederation. From having been allied and independent states, they became more and more the subjects of Rome.

Suspicion of Rome.

During the invasion of the Gauls, every Latin town was, it seems, thrown back on its own resources. The league was completely dissolved, since the head town was destroyed and appeared to be annihilated. We find, therefore, after the retreat of the Gauls, some Latin towns, in an isolated and independent position, as mistresses of neighbouring communities. Such towns were especially Præneste and Tibur. At the same time these towns appear to be impatient of the control which the Romans had hitherto exercised over them. They had found out, it seems, that Rome was seeking to take away their independence, and to sacrifice their interests to her own. They discovered that their position, relatively to the Æquians and Volscians, differed essentially from that of the Romans; that they had in the end less to fear from an alliance with these peoples than from a confederacy at the head of which was such a grasping and centralized power as Rome.

Resistance of Prænestе.

Præneste was the first to venture (382 B.C.) on open war. The subjection of this great, fortified, and at that time impregnable town to the dominion of Rome is especially important, because it is alleged to be proved by an historical monument and a written record. If these are genuine, they leave no doubt of the fact, and may tend moreover to raise in our eyes the character also of other annalistic statements which are not borne out by any documentary evidence. But, unfortunately, the reports concerning this monument and this record are of such a kind that, by their contradictions, they warrant grave doubts of the trustworthiness of the old collectors of documentary evidence. According to Livy,[1] the dictator T. Quinctius Cincinnatus defeated the Prænestines on the Allia, 380 B.C., took eight

[1] Livy, vi. 29.

towns which were subject to them, as well as the town of Velitræ, by force, compelled Præneste to surrender,[1] conveyed from thence to the Capitol the statue of Jupiter Imperator, and placed it between the shrines of Jupiter and Minerva, furnished with an inscription which declared that 'Jupiter and all the gods had permitted the dictator T. Quinctius to conquer nine towns.'[2]

Difficulties of the narrative.

The first thing that strikes us in this account is, that the statue of the supreme deity was carried away from a town, not taken by force and destroyed, but surrendered by treaty on condition of retaining her liberty. The removal of the statue from Præneste to Rome would have been the sign and symbol of the annihilation of the former town as a political community, just as the carrying away of the statue of Juno from Veii denoted and sealed the total overthrow of the Veientine state. But Præneste continued to exist as a Latin town with undiminished power. In the following year she even renewed the war with Rome, and, according to an entirely trustworthy report of Diodorus,[3] made peace or concluded an armistice with Rome only in the year 354 B.C. These considerations and doubts have still more weight if we compare other circumstances. Cicero[4] also mentions a statue of Jupiter in the Capitoline Temple, but he says that it was brought by T. Quinctius Flamininus from Macedonia. As it is not likely that two statues of Jupiter Imperator were placed in the Capitoline Temple, each by a T. Quinctius, as war trophies; as moreover Cicero could hardly be misinformed about a statue brought to Rome after the Macedonian war, we cannot hesitate to condemn the story which would make the statue in question about 200 years older.[5] But if the

[1] Livy, vi. 29: 'Caput belli Præneste non vi sed per deditionem receptum est.'

[2] Livy. vi. 29: 'Tabula sub eo fixa monumentum rerum gestarum, his *ferme* incisa literis fuit: "Iupiter atque divi omnes hoc dederunt, ut T. Quinctius dictator oppida novem caperet."'

[3] Diodorus, xvi. 45. See Niebuhr, *Röm. Gesch.*, iii. 96; English translation, iii. 83.

[4] Cicero, *Verr.*, iv. 58.

[5] This was the opinion of Lipsius. See Drakenborch, ad Liv., vi. 29.

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statue of Jupiter Imperator was not brought to Rome by T. Quinctius from Præneste, the inscription quoted by Livy could have no reference to it. Livy[1] says that it was engraved on a tablet, not on the pedestal or the body of the statue. Such a tablet may easily have been put in a wrong place. The object to which it originally belonged is indicated by Festus,[2] who mentions an inscription in which the 'dictator T. Quinctius consecrated a golden crown to Jupiter, two pounds and a third in weight, because in nine days he conquered as many towns, and Præneste as the tenth.' There can be no doubt whatever that Festus and Livy quote the same inscription, though both quote it inaccurately. Yet they agree in the main as to the substance of its purport, and their testimony leaves no doubt that such an inscription and a golden crown were dedicated in the temple of Jupiter in commemoration of some signal victories of T. Quinctius Cincinnatus over the Prænestines. It is, however, by no means certain at what time the offering was made and the inscription composed. If it were contemporary with the event, it would be the oldest Latin inscription authentically preserved. But it is quite as likely that it was composed by a descendant of T. Quinctius many years later.

Value of inscriptions.

The references even to such sources of information as statues with inscriptions cannot therefore be trusted without the most careful investigation, as unfortunately the Roman antiquarians were most credulous, and, moreover, inaccurate and superficial. At the same time we gain the conviction that we now meet in the Roman history with events which, though not cleared up in every particular, are still no longer mere illusions and fictions.

General resistance of the Latins.

The example of Præneste was followed by several Latin towns. Some are described as secretly assisting the Volscians.[3] Lanuvium is hostile;[4] then the Latins generally are in open war with Rome.[5] The Hernicans

[1] Livy, v. 29: 'Tabula sub eo signo fixa monumentum rerum gestarum.'
[2] Festus, s. v. trientem tertium, p. 363, ed. Müller.
[3] Livy, vi. 7, 13. [4] Livy, vi. 21. [5] Livy, vi. 30, 32, 33.

likewise are hostile, 396 B.C., and Tibur carries on a lengthy war, in conjunction, as it appears, with Præneste, long after the time when, according to the boast of the Romans, Præneste had been humbled by T. Quinctius.

Success of the Romans.

How Rome was able to defend herself against the Volscians, in spite of the hostility of many of the Latins and Hernicans, it is impossible to say. Apart from the indomitable courage and perseverance which distinguished the Roman nation, whether in council or in the field, the circumstance that Rome, as a united state, stood opposed to a coalition was especially favourable to her. Rome always knew very well how to make use of dissensions among her enemies. The senate, led by the most tried politicians of the republic, doubtless displayed already that dexterity and firmness in its foreign policy which greatly distinguished it at a later time. It is significant that during these wars a league of the Romans with the Samnites is mentioned (354 B.C.). The Samnites dwelt in the rear and on the flank of the Volscians, and they appear just at this time to have come into hostile contact with the Ausonian tribes to which the Volscians belonged. However this may be, it is certain that the Romans, in spite of many vicissitudes, in the end, had the advantage at all points. The Latins were compelled to return to their former subordination as the confederates of Rome. The Volscians were driven back, and in 358 B.C. two new tribes were added to the Roman territory, a circumstance which furnishes better evidence of the superiority of the Romans than we can have in any reports of Roman conquests and triumphs. This addition to the territory of the republic, the first important one which took place on the side of Latium, indicates a marked and very decisive success of the Roman arms. Undoubtedly the conquered and now incorporated territory was taken from the Volscians, and was originally a part of old Latium. Instead of being restored to the Latins, it was added to the territory of Rome, and this shows plainly how completely the Romans regarded themselves as masters of Latium. We hear of no opposition of the Latins against the incorporation

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of the two new tribes. On the contrary, it is reported of the same year (358 B.C.) that peace with the Latins was restored, and that the latter again placed their contingent at the disposal of the Romans.[1] In the same year the Hernicans were reduced to submission.[2] Possibly the reports of Roman victories are boastful and exaggerated, and the renewal of the old confederacy was brought about more by persuasion and peaceable means than by force of arms; still the advantage was not less decisively on the side of the Romans. The Latins and Hernicans resigned themselves to that which they found was unavoidable. Only such towns as Præneste and Tibur, relying on the strength of their walls, could venture to hold out still longer against Rome, and yet they also were in the end compelled to submit, 354 B.C. But the Latins retained a deep-seated grudge against their imperious and ungenerous allies, who had become their masters. They considered themselves in every respect equal to the Romans. They had fought innumerable battles side by side with them, and had helped to gain many a Roman victory. They formed the barrier against the Æquians and the Volscians, and through their troubles and losses Rome had become great. Now they saw that the prize of victory was carried off by the Romans. If discontent and rancour filled their hearts, the Romans had sown the seed. Fourteen years after the submission of Tibur, the great Latin war broke out (340 B.C.), which more than any other threatened the existence of Rome.

War between Rome and Tarquinii.

On the north of the Ciminian mountains, which separate southern from central Etruria, lay Tarquinii, one of the oldest and most powerful of the Etruscan towns. After the destruction of Veii, this had become the immediate neighbour of Rome. The Tarquinians might consider

[1] Livy, vi. 12: 'Pax Latinis petentibus data et magna vis militum ex fœdere vetusto quod multis intermiserat annis accepta.' Compare p. 96, note 1. Polybius, ii. 18: ἐν ᾧ καιρῷ Ῥωμαῖοι τήν τε σφετέραν δύναμιν ἀνέλαβον καὶ τὰ κατὰ τοὺς Λατίνους αὖθις πράγματα συνεστήσαντο. Schwegler, *Röm. Gesch.*, ii. 338.

[2] Livy, vii. 15.

themselves safe from a hostile collision with Rome, partly on account of the distance, and partly because they were protected by the natural boundary of the Ciminian forest, which was at that time a wild and inhospitable mountain tract. Yet it was inevitable that quarrels should arise among the neighbours, which at any time might give occasion for wars. The Roman citizens who had settled in the four tribes formed out of the conquered Veientine territory, especially the colonists in the border fortresses, Sutrium and Nepete, behaved probably much after the fashion of the advanced posts of a conquering people generally, and encroached upon their Etruscan neighbours. But it was not before the year 358 B.C., when, as it seems, the disputes between Rome and the Latins had been settled and the old confederation was re-established, that the Romans found it advisable to declare war in due form against the Tarquinians. This war, which lasted, according to Livy's account, eight years, was carried on with great animosity and under many vicissitudes of fortune, and it ended by no means in a complete overthrow of the Tarquinians, but in a peace of forty years, which left the independence of Tarquinii untouched and the Roman boundary unchanged. Cære and Falerii, it is said, took part in the war against Rome, by sending volunteers, and when peace was concluded the people of Cære were compelled to accept the Roman citizenship without the full franchise, *i.e.* to become subjects of Rome. They shared in the burthens, but were not admitted to the honours and privileges of Roman citizenship, and the name of the Cærites was ever afterwards applied to designate citizens of this class.

The first plebeian dictatorship.

The national hatred with which the war between the Romans and the Etruscans was carried on, showed itself, in the very beginning, by a bloody deed, which even the cruel code of war of antiquity could not justify. The consul C. Fabius Ambustus was beaten by the Tarquinians, and 307 Roman prisoners fell as victims on the altars of

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the Etruscan gods.[1] Religious fanaticism, from which the Greeks and Romans were tolerably free, and which we meet only among Asiatic nations and among the Celts in Europe, appears to have stimulated the patriotism of the Etruscans into madness. This appears also from the part which the Etruscan priests took in the battle. As in a religious war, they rushed on before the combatants, with burning torches in their hands and serpents in their hair.[2] The courage of the Etruscans became fury, and the Roman soldiers, not prepared for such terrors, gave way. The Roman territory on the right bank of the Tiber was abandoned to the invasion and devastation of the enemy. It was necessary to appoint a dictator, and for the first time a plebeian, C. Marcius Rutilus, was raised to this post. At last, in the year 353 B.C., the defeat of the Romans was avenged, and now bloody reprisals were taken on the Etruscan prisoners. Three hundred and fifty-eight of the noblest of them were scourged on the Roman Forum and beheaded. The Romans succeeded in keeping off the Etruscans, but they could boast of no great success, and the peace which was concluded in the year 351 B.C. was, as we have already seen, only a truce of forty years.[3]

Further Gallic inroads.

The predatory invasions of the Gauls in the central and southern parts of Italy were repeated as long as the spoil was attractive and the opposition not too vigorous. Of their invasions into the Roman territory we have two accounts, materially differing from one another—that of Polybius, who appears to give the oldest and simplest tradition, and, on the other side, that of Livy and the other historians, who describe a great number of battles and victories with a mass of detail. We give first the

[1] A curious coincidence in the number of these 307 Romans commanded by a Fabius and the 306 Fabii who fell at the Cremera. Is it possible that we have in the two accounts only two versions of the same story, one popular and poetical, the other dry and annalistic? The difference of one in the respective numbers may be intentional to hide the identity. Compare above, pp. 173, 291, note 3. [2] Were these serpents real or artificial? [3] Livy, vii. 22.

story of Polybius, which appears to us the most credible, because it is less flattering to Roman pride.[1]

The story of Polybius.

For thirty years after their first invasion, the Gauls remained quiet. Then they appeared suddenly at Alba, and the Romans were so surprised and so unprepared that they did not dare to march against them. But when the Gauls made another invasion twelve years later, they found the Romans, with their allies, armed and ready for battle, and they returned in haste back to their own country. Now, when they had learnt that the Romans had become strong, they concluded, thirteen years later, a treaty of peace with Rome.

Versions of Livy and other writers.

Out of these few collisions with the Gauls, which were neither eventful nor glorious, the patriotic writers from whom Livy draws his information have made a series of six great wars and victories, in which the heroic deeds of T. Manlius Torquatus and M. Valerius Corvus stand out prominently. Already in the year 367 B.C., twenty-three years, therefore, after the burning of Rome, the Gauls, according to this account, appeared in the neighbourhood of Alba.[2] Camillus, who had once deprived them of their spoils, and had driven them with victorious hand out of Rome, was still living, and had reached the advanced age of fourscore years. He was now, for the fifth time, named dictator, and displayed, as he had always done, his greatness as a warrior. He totally defeated the barbarians, and celebrated a glorious triumph in that same year in which he had contributed towards settling the internal disputes which ended with the passing of the Licinian laws.[3]

[1] Polybius, ii. 18. See a full account in Sir G. C. Lewis's *Credibility of Early Roman History*, ii. 399 ff.

[2] Livy, vi. 42. Plutarch, *Camill.*, 40. Zonaras, vii. 24.

[3] It is not difficult to account for the origin of this story, which is fictitious from beginning to end. It was nothing but the fact that in 367 B.C. Camillus was appointed dictator, for the purpose, as it appears, of overawing the plebeians. His panegyrists would not pass by this opportunity of exhibiting him as a great hero. Being dictator, it was natural, they thought, that he should have gained a victory and a triumph. They cared little if the civil history of Rome could not well be made to harmonise with the pretended military exploit

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The second invasion of the Gauls took place six years later, in 361 B.C.[1] They advanced as far as the Anio, a few miles from Rome. Here it was that a gigantic Gaul challenged the best man among the Romans to single combat, and was vanquished by the young T. Manlius, who stripped the barbarian of his golden necklace (*torques*) and thus gained the surname Torquatus. Terror seized the army of the enemy. They fled under the cover of night.[2]

Story of Manlius Torquatus.

Alleged third Gallic invasion.

The third invasion of the Gauls took place in the following year, 360 B.C., the thirtieth after the burning of Rome, *i.e.* the same year in which, according to Polybius, the Gauls returned for the first time. But while Polybius knows of no engagement during this year, and only says that the Romans did not venture to march against their enemies, Livy[3] tells of a victory of the dictator Q. Servilius and of a triumph of the consul C. Pœtelius over the Gauls and Tiburtines. Two years later, 358 B.C., the Gauls were again beaten at Pedum, and the dictator C. Sulpicius triumphed.[4] The same story is repeated in the year 350 B.C., under the consul M. Popilius Lænas.[5] At last, in the year 349 B.C., the son of Camillus, L. Furius Camillus, gains a decisive victory over the Gauls,[6] after which they do not renew their attacks. The pretended victory of L. Furius Camillus coincides chronologically with the second invasion of the Gauls mentioned by Polybius, when, according to this writer, no engagement took place, but the enemy retreated like a band of robbers on finding the Romans prepared to receive them. Livy, however, by way of a prelude to the victory of the Romans, relates the single combat of M. Valerius with the Gallic champion, in which

of Camillus. The story of Manlius Torquatus, which, like all popular tales, had no fixed place in the annals, was referred by some writers to this last war of Camillus with the Gauls.

[1] Livy, vii. 9.

[2] According to Livy's account, no battle was fought. Nevertheless the mendacious Capitoline Fasti report a triumph of the dictator T. Quinctius Pennus over the Gauls.

[3] Livy, vii. 11. [4] Livy (vii. 13–15) gives a detailed account of the battle.

[5] Livy, vii. 23. [6] Livy, vii. 26.

a raven descends on the helmet of the Roman, and with his claws and beak gashes the face of the Gaul during the fight. That the whole battle and the victory of L. Furius Camillus are as authentic as this single combat is more than probable. At all events the account of Polybius throws grave doubts on a victory which is not the less suspicious as sharing the legendary character of all accounts of Gallic wars in which a Furius Camillus is mentioned.[1]

These Gallic wars unhistorical.

The result of our investigations is, that the whole of the six wars with the Gauls, as Livy relates them, are not much more than stop-gaps marking points at which the empty annals of the old time have been filled up with edifying and patriotic matter. We can therefore infer that a considerable part of the other wars is equally apocryphal, and we may perhaps have the satisfaction of thinking that there were no wars to relate, and that the Romans had now and then a little breathing time.

[1] The first event in the history of Rome which came to the knowledge of contemporary Greeks was the destruction of Rome by the Gauls. Aristotle mentions it, and calls the deliverer of Rome Lucius. Niebuhr (*Röm. Gesch.*, iii. 93; English tr., iii. 80) supposes that by this Lucius is to be understood L. Furius Camillus, the son of the great M. Furius Camillus, and that the battle of 349 B.C. was so decisive that it could be looked upon as the act of deliverance which finally put an end to the danger of Gallic invasions. We do not venture to decide how the statement of Aristotle is to be explained. But if, as we think, the victory of 349 B.C. is fictitious, it follows that Aristotle cannot have referred to L. Furius Camillus.

CHAPTER II.

M. MANLIUS, 384 B.C.

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Exaggerated accounts of the Gallic wars.

It has been already said[1] that in the received account of the devastation caused by the Gauls, the mischief done by the barbarians has been very much exaggerated. The narrators have had a sort of pleasure in representing the distress of the Romans as quite overwhelming. The Gauls are said to have destroyed not only all that was combustible, but to have demolished the fortifications and the town walls.[2] We are even assured[3] that the greater number of citizens perished, and that, after the retreat of the Gauls, the pressure of famine led to the desperate resolution of throwing all the old men from sixty years upwards into the Tiber.[4] A popular legend[5] related that Fidenæ,[6] Ficulea, and other insignificant neighbouring towns were encouraged by the distress of Rome to desire a number of Roman virgins in marriage, and advanced with an army to the town, to back their demand by the display of force; that the Romans, unable to refuse the demands of their neighbours, sent a number of female slaves, dressed as Roman virgins, into the hostile camp before the gates, and that these, having made the enemy drunk, deprived them of their arms, and gave a signal to the Romans, who rushed out of the city and cut them down in their sleep.

[1] See p. 276. [2] Zonaras, vii. 21. [3] Diodorus. xiv. 116.

[4] Festus, s. v. sexagenarius, p. 334, ed. Müller.

[5] Varro, *Ling. Lat.*, vi. 18. Plutarch, *Rom.*, 29; *Camill.*, 33. Macrobius, i. 11, 36 ff. Polyænus, viii. 30. The story is an ætiological myth, intended to explain historically the origin of a religious festival, celebrated every year on the nones of July. See Schwegler, *Röm. Gesch.*, i. p. 38, Anm. 2; p. 533, Anm. 16, 18; iii. 272.

[6] Fidenæ had been long destroyed, see above, p. 238.

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Such stories, of course, deserve no credence. Nevertheless it is certain that the retreat of the Gauls was followed by a time of misery and great distress. Wherever the barbarians had penetrated, they had no doubt destroyed or carried off all the corn, killed the cattle, and burnt the houses. When the Romans returned to their homes, they were in the position of men who have been visited by murrain, failure of the crops, and conflagration all at once. Yet the organism of the commonwealth was unhurt. The spirit of the Roman people still lived, and soon began to reinvigorate the body of the state, and to repeople the old sacred place. Nor was the courage of the senate broken. Only one idea animated the best men of Rome. They set to work to establish the state anew, to rebuild the town, and to reassert their commanding position among their allies and neighbours.

384 B.C. Real extent of the mischief.

Yet if we can believe our authorities, the people were by no means unanimous in their resolution to restore the destroyed town, and to cling to the old centre of the state, with which the memories of the past and the hopes of future greatness were connected. The plebs, instigated by the tribunes, wished to leave the heap of ruins on the Tiber, and to emigrate to Veii. There a new Rome was to arise in a healthy, strong situation and a fruitful country, where they could hope to found a free commonwealth on new principles, free from the trammels and traditions of the past. In vain Camillus brought the power of his eloquence and the weight of his authority to bear against a plan which betrayed the un-Roman and impious spirit of its authors. The question was about to be put to the vote in the senate, and perfect stillness reigned in the curia. Then the voice of a centurion, calling to his soldiers, was heard from the Forum, 'Here we will remain.' These words were accepted by the senate, and also by the people, as an omen and a divine decision. The work of restoration was cheerfully begun and finished within a year. Every citizen built according to his fancy, and took the materials wherever he could find them. The

Story of the proposed emigration to Veii.

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direction of the old streets had disappeared among the ruins. The new streets arose without regularity, and without regard to the line of the old sewers. Thus it happened that Rome in the time of the emperors was a town of narrow, crooked, and irregular streets. Special care was, however, bestowed on the temples. They were cleared of all rubbish, restored,[1] and newly consecrated. The Capitol, at that part where the Gauls had scaled it, was strengthened by huge substructions, which moved the wonder of succeeding generations.

The story a repetition.

The story of the intended emigration to Veii we have already met with immediately after the conquest of this town, when the question arose, how the patricians should manage to have the newly acquired lands for their exclusive use and benefit. We have already expressed[2] the suspicion that it is only a misrepresentation of facts by the annalists, when they speak of the intention of the plebeians of dividing the Roman state into two parts, and of making Veii the seat of half the senate and of half the Roman nation. Such an absurd plan never was conceived by the practical plebeians. What they wanted was to have a share in the Veientine land, a desire which the ruling class at last were obliged to agree to, by giving to the plebs allotments of seven jugera a head. But, after their usual custom, the patricians had tried to take away with one hand what they had given with the other; and so it appears that the seven jugera of the Veientine land were handed over to the plebeians, not as full property, but incumbered with a tithe.[3]

The land question.

Now, after the destruction of the city by the Gauls, the question in dispute, which had not yet been solved, came up again. The plebeians once more urged their claim of freehold property, but it was again rejected, and it seemed that the first brilliant conquest of the Roman arms

[1] This was a good opportunity to introduce into the temples alleged monuments of the bygone ages. Who knows what sculptures, inscriptions, and relics were made now, or subsequently, under the plea of restoration?

[2] See above, p. 259.

[3] See above, p. 260.

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was to be turned to the exclusive advantage of the ruling class. If, accordingly, we consider the whole story of the intended emigration to Veii as a misrepresentation of the events in the patrician interest, it is quite clear that we must look upon the subsequent story of Manlius as equally distorted to suit the views and interests of the patricians. We shall find that the policy of Manlius, far from being dangerous to the republic, and aiming at the restoration of the monarchy, was directed to the improvement of the economical position of the plebeians, that it was an attempt to settle the land question, and that it anticipated the measure of Sextius and Licinius, which was carried only eighteen years later.

The story of M. Manlius.

The story of M. Manlius, as reported by Livy,[1] runs as follows. When the restoration of the town had been determined upon, after the retreat of the Gauls, a bad time came for the Roman plebeians. They had to replace their houses, stables, and barns, their agricultural implements, and their cattle, at a time when it was difficult for them even to get food to support themselves and their families. There was no escape. They were obliged to borrow from the patricians, and their debts reduced them to a state of great dependence on their creditors. The high rates of interest and the cruel laws of debt drove them further and further on the downward path. The privileged class saw this misery of their fellow-citizens without compassion. Bowed down by the weight of their debts, oppressed by military service and taxes, excluded from the honours and advantages of the commonwealth, the plebeians were in a situation only too likely to foster the feeling of discontent, and to invite them to overthrow the existing order of the state. In this distress they found a friend in one of the foremost families of the patrician nobility. M. Manlius, the deliverer of the Capitol, distinguished by his heroism, which had been displayed in numberless battles, had not been admitted since

[1] Livy, vi. 14.

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his consulship 392 B.C. to any public honours, and had the humiliation of seeing his rival Camillus, the champion of the nobility, preferred before him on every occasion. Resolving, therefore, to join the popular party, he took counsel with the tribunes for relieving the misery of the common people by grants of land and a remission of debts. He held meetings with the leaders of the plebs in his house on the Capitol. He accused those of his own class of having embezzled the money which had been taken from the Gauls, and he tried in every way to gain the favour of the common people. One debtor, whom he saw being led away into prison, he immediately set free with his own money. Then he sold his estate near Veii, and endowed 400 poor plebeians with the proceeds. He declared that, as long as he possessed anything, no plebeian should suffer distress. These proceedings assumed at last such a threatening aspect that, in order to guard the town against insurrection, the senate recalled the dictator A. Cornelius Cossus, who was just then in the field fighting against the Volscians. The dictator summoned Manlius before his tribunal, accused him of falsely and maliciously libelling the patricians, and ordered him to be cast into prison. But now the sympathy of the people for Manlius became alarming. Tumults arose in the streets. Crowds assembled before the prison, and would leave the place neither day nor night. The senate thought it too hazardous to persist, and Manlius was set free. But the prison had not damped his courage; it had only roused his anger. He continued to stir up the multitude, and it seemed as though he could not rest until he had broken the power of the patricians. He aimed, it was thought, even higher. After the overthrow of the nobility, so at least his opponents averred, he wished to make himself king of Rome by the favour of the plebs. This fear alarmed the minds even of his own friends. The people began to tremble for their freedom. Two tribunes of the people accused Manlius of high treason before the comitia of centuries. But the people could not condemn the deliverer of the Capitol in

face of its very walls. The accusers then removed the assembly of the people to the grove of Pœtelius, from which the Capitol was not visible, and here Manlius was condemned. He atoned for his enterprise with his life. From the height of the rocks which he had heroically defended on that memorable night, he was hurled down as a traitor to his country. Yet more; his name was branded with infamy. His cousins of the Manlian house determined never again to adopt Marcus as a name. His abode on the Capitol was razed to the ground, and it was decreed that no patrician should henceforth dwell on the Capitol. Thus ended the life of Manlius, the deliverer of Rome, the humane friend of an oppressed people, condemned by this very people to die the death of a traitor.

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Difficulties and contradictions in the narrative.

The preceding story is one that raises serious doubts regarding its credibility and impartiality. One thing is certain, that Manlius was an advocate of the liberties of the plebs. Is it likely that the plebeian tribunes acted as his prosecutors, and that the people in the comitia centuriata condemned him? We should have a very mean opinion of the Roman plebeians if we could think them capable of sacrificing their best friends upon charges so frivolous as those which the enemies of Manlius brought against him.[1] But still more contemptible would they appear if we could believe the account which makes them incline to mercy so long as the Capitol is in sight, and forget his services as soon as the assembly is held in a place from which the scene of his heroism is not visible. Were they likely to be tricked so easily? Could they condemn him, and yet remain so much convinced of his innocence that they ascribed a plague which visited Rome in the next year to the anger of the gods at his condemnation?[2]

The condemnation of Manlius.

These considerations lead as to suspect that the assembly which condemned Manlius to death was different from the comitia of centuries, which, according to the received story, refused to find him guilty. This conclusion is con-

[1] Livy (vi. 20) admits that the charge was not made out.

[2] Livy, vi. 20.

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firmed by some direct evidence. The assembly in the Pœteline Grove[1] is called a 'concilium populi,' a term which applies exclusively to the patrician assembly of the curiæ.[2] Yet more, according to an account preserved by Livy himself, the prosecutors of Manlius were the 'duumviri perduellionis.' The office of these duumviri dated from the regal period, and had almost been forgotten since the establishment of the republic. The duumviri could bring Manlius to trial only before the patrician assembly of curiæ.[3] By a stretch of power the patricians might claim to exercise jurisdiction in the assembly over a member of their own body,[4] although the comitia of centuries were competent since the decemviral legislation to try capital cases involving the life of a citizen.[5] If so, Manlius was not put to death, as Livy reports, by being hurled down from the rock of the Capitol. This report was only an inference from the assumed fact that Manlius was found guilty on the prosecution of the tribunes, for that was the mode of execution adopted by the tribunes. It is stated by Cornelius Nepos[6] that Manlius was scourged to death, as were of old all those condemned for treason to the state.[7]

Question of the guilt of Manlius.

It is hardly necessary to discuss the question of the guilt or the innocence of Manlius. If he was accused, judged, and put to death by his political opponents, he stands acquitted of the crime of having aspired to absolute power. He was, no doubt, as innocent of it as the other victims of aristocratic vindictiveness before and after him, who were charged with the same offence, as Sp. Cassius, Sp. Mælius, and the Gracchi. We may be sure that such an accusation was not even brought against him, but that it is entirely an invention of later historians. In certain times certain crimes are inconceivable.[8] When

[1] If this grove was situated as Livy says, outside the Porta Flumentana, the Capitol would be visible from it.

[2] Schwegler, *Röm. Gesch.*, ii. 85.

[3] Schwegler, *Röm. Gesch.*, iii. 294.

[4] Schwegler, *Röm. Gesch.*, ii. 180.

[5] Cicero, *De Leg.*, iii. 19, 44.

[6] Gellius, xviii. 21, 24.

[7] Suetonius, *Nero*, 49.

[8] Could any English politician of the present century be seriously charged

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the republican government was firmly established and had lasted for some generations, no Roman could entertain the idea of upsetting it and establishing a monarchy in its place. There was a steadiness in the development of the Roman constitution (in glaring contrast with the oscillations to which most Greek states were exposed), which excluded even the thought of tyranny, so long as the dominion of Rome was confined to Italy. We may therefore be convinced that, whatever the charge was which the duumviri perduellionis brought against Manlius, it was not that which the annalists, writing under the influence of Greek impressions, assigned.

The motives of Manlius.

It was the all but general impression among Roman writers that Manlius was guilty of treason,[1] but the opposite view has also advocates among ancient writers. Quinctilian says that it was his popularity which was interpreted as a proof of his ambition;[2] and the annotation which the grammarian Servius[3] made in later times to his Virgil, 'that Manlius fell a victim to the vengeance of his enemies,' was surely not invented by him, but extracted from some source which was not clouded by patrician party hatred. What were the real aims of Manlius, it is impossible for us to make out with perfect certainty, considering the evidence we have at our command. Perhaps he had already in view the division of the consulate between patricians and plebeians, as that had been the proposition of the popular party half a century before, and was carried less than twenty years after his death; but that he intended to relieve the pecuniary distress of the plebeians, and especially to reform the agrarian laws with regard to the use of the common lands, may be considered tolerably certain.[4] The accusation which Livy brings

with entertaining plans for upsetting the constitution of England and acting the part of a Napoleon?

[1] Livy, vi. 11, and throughout his narrative. Plutarch, *Cam.*, 36. Gellius, xvii. 21, 24. Valer. Max., vi. 3, 1. Zonaras, vii. 24.

[2] Quinctilian, v. 9, 13: 'Spurii Mælii Marcique Manlii popularitas signum affectati regni est existimatum.'

[3] Servius, ad Virg. *Æn.*, viii. 652: 'Manlius inimicorum oppressus factione.'

[4] In 387 B.C., three years before the death of Manlius, four new tribunes

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against him, that, not satisfied with agrarian laws, in which the tribunes had always found matter for civil quarrels, he had begun also to undermine the public credit,[1] agrees fully with the speeches which that historian, adopting the reports of the older narrators, puts into his mouth.[2] Appian ascribes to Manlius a proposal according to which the debts were simply to be cancelled, or paid by the state from the proceeds of the sale of common land.[3] Considered in this light, the report that Manlius sold his estates near Veii, and bestowed the proceeds upon four hundred poor plebeians, becomes especially significant. For if Manlius, like his successors Sextus and Licinius, wished to limit the possessions of the patricians in the common land for the benefit of the plebeians (a limitation which, as shown above, could refer only to newly acquired domains, especially therefore to domains in the district of Veii), it is possible that he began by giving the example and parcelling out his own possessions to poor occupiers.[4] Perhaps Manlius freed from rents those of his clients who had settled on his land, making them practically freeholders. But such a proceeding was, in the eye of the nobility, treason to the interests of his own class, and deserved to be punished with inexorable severity.

Results of the murder of Manlius.

If this was the object of the nobility, it was soon shown that they had protected their supposed interests only for a very short time at the expense of the noblest blood. For the moment the judicial murder of Manlius might intimidate the popular party; but where a whole people puts

were added to the Roman territory. Agrarian agitations preceded and followed this measure.—Livy, vi. 5, 6.

[1] Livy, vi. 11: 'Non contentus agrariis legibus, quæ materia semper tribunis plebi seditionum fuisset, fidem moliri cœpit.'

[2] Livy, vi. 14: 'Nec iam (patres) possidendis agris contentos esse,' and Livy, vi. 18, where Manlius addresses the plebeians: 'Quot enim clientes circa singulos fuistis patronos, tot nunc adversus unum hostem eritis.'

[3] Appian, ii. 9.

[4] There are examples of land-owners who set their serfs free by making them freeholders of the land occupied by them, in order to promote the abolition of villenage. The Emperor of Russia did this recently on the grandest scale.

forward claims indisputably equitable, it is not possible to repress them long by terror. Scarcely was Manlius murdered, than we see traces again of new struggles for improving the condition of the poor citizens. As a concession of the patricians, and to avoid more extensive demands, a commission was appointed in the following year to divide the Pomptine district among the people, and another to send a colony to Nepete.[1]

Relief of debtors.

Before any general measure could be proposed for the relief of debtors on a large scale, it was of course necessary to ascertain what was the amount of debts under which the people suffered. This could be done only by means of a new census, in which the real property of every citizen was noted down, after deducting his debts. Hence we find that in the year 380 B.C.[2] disputes began on the election of censors, the tribunes insisting on the necessity of a new census, and the patricians endeavouring by all possible artifices and manœuvres to prevent it. When at last an election had taken place, one of the censors died, and it was necessary to proceed with a new election. This, however, was declared vitiated, because an error had taken place in the formalities. To proceed to a third election would have been an act of impiety,[3] as it was clear that the gods would not have any censors for this year. It was of no avail that the tribunes protested and complained of a religious trick and a perversion of right.[4] Their threats to prevent a levying of troops were powerless when the Prænestines appeared before the gates of Rome and the common fatherland was in danger. The inquiry into the state of indebtedness had to be postponed, in spite of the opposition of the popular party. Two years later (378 B.C.) the same disputes about the

[1] Livy, vi. 21.

[2] Livy, vi. 27.

[3] Livy, vi. 27: 'Collegam suffici censori religio erat;' and further on: 'Tertios (censores) creari, velut diis non accipientibus in eum annum censuram, religiosum fuit.' A good illustration of the meaning of *religiosus*; see pp. 118, 120.

[4] Livy, vi. 27: 'Eam vero ludificationem plebis tribuni ferendam negabant: Fugere, senatum testes tabulas publicas census cuiusque, quia nolint conspici summam æris alieni, quæ indicatura sit, demersam partem a parte civitatis.'

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census were repeated, and again with the same result. The census was prevented, it is said, by an invasion of the Volscians into the Roman territory.[1] With such pertinacity did the Roman patricians defend a position which became daily more and more untenable, and which was destined in a short time to yield to the indefatigable attacks of the popular party.

Effects of the Canuleian law.

During these long disputes the patrician class, as also that of the plebeians, underwent changes which altered the relative strength and character of parties. The number of the patricians was very much diminished. As a class which was not increased by new blood from without, the patricians paid for the privilege of forming an exclusive hereditary nobility by a continual diminution of their numbers, whereas the numbers of the plebeians were constantly increasing. The direct results of the Canuleian law which legalised marriage between patricians and plebeians could not operate effectually in increasing the patrician class to any great extent, as of course only a few of the prominent families of the plebs were admitted to relationship with the patricians. On the other hand, through such relationships a plebeian nobility was gradually formed, intimately connected with a number of patrician families. Thus the plebs gained leaders who could oppose the old conservative nobility with much greater energy than the former tribunes, supported by the plebs alone. The parties which always had existed among the patricians themselves became more marked, and the one which was favourable to reform joined the leaders of the plebs. That there was a party among the patricians well disposed to the people is seen by the proceedings of Manlius, who probably did not stand alone. Since the establishment of the consular tribuneship, plebeians had gradually been admitted into the senate, and the formation of a plebeian nobility had begun.

Whilst thus a few plebeian families attained respec-

[1] Livy, vi. 31.

tability, wealth, and power, the majority of the plebeians were, since the burning of the city by the Gauls, sunk in debt and poverty, and this situation had become a weapon in the hands of the party leaders. Whoever promised relief from debt could be sure of the support of the mass of the people, who are most zealous in political reforms when they imagine they can gain material advantages by them. In the year 384 B.C., Manlius was put to death, and the reforms which he proposed were thrown out for the time. But only eight years later, in 376 B.C., a movement began, which not merely took up his projects for improving the material condition of the plebs, but aimed at a higher object, the complete equality of the two orders of citizens, an object which the leaders of the plebs had never lost sight of since the Terentilian rogations, but which it still took a severe struggle of several years to realise.

Condition of the plebs.

CHAPTER III.

THE LICINIAN LAWS, 366 B.C.

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The influence of the Licinii.

THE details of the constitutional struggle which led to the Licinian laws are lost to us, like most of the incidents in the early history of Rome which would contribute to make it attractive and interesting. In their place the annalists have preserved a number of irrelevant, contradictory, untrustworthy, and incredible statements, which it is impossible to work up into a smooth consistent narrative. We must therefore be satisfied if we can succeed in tracing so much of the leading outline of events as will enable us to understand the great reform effected by the Licinian laws.

Among the prominent plebeian families which had at an early period turned to advantage the liberties gained by the plebeians, were the Licinii. A certain Licinius Calvus was one of the first tribunes, in the year 493 B.C. In the year 481 B.C. a Licinius was again elected as tribune, and if we had the complete list of these magistrates we should no doubt very frequently meet with the names of the Licinii. After the establishment of the consular tribuneship it was again a Licinius who, in 400 B.C., was the first plebeian raised to this dignity, and four years later, 396 B.C., we find a son of his in the same office. The Licinians had no doubt early gained wealth,[1] and therefore it may be readily supposed that they connected themselves by marriage with the noblest patrician houses. M. Fabius Ambustus, one of the consular tribunes who

[1] Licinius Stolo is reported, soon after the passing of his laws, to have been in possession of 1,000 jugera of land. At a later period the Licinii belonged to the richest families in Rome. The rich Crassus was a Licinius.

had commanded in the unfortunate battle on the Allia, married one of his daughters to C. Licinius Stolo, who filled the office of tribune in the year 376 B.C. This Licinius and his colleague, L. Sextius, supported, no doubt, by a liberal party amongst the nobility, now came forward with proposals of a comprehensive reform.

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The first law was intended to be only of temporary effect, and to put an end to the existing distress of the poor debtors. Starting from the idea that to take interest on a loan offends a natural law (a view which was widely received in ancient times), the two tribunes proposed that the debtors should pay back only the capital lent, *minus* the sums paid as interest; the rest to be paid in three years, probably with the help of the state. The second law was calculated to make such a general indebtedness as now existed impossible for the future. It aimed at creating the largest possible number of freeholders, and at limiting the dependence of the small peasants on the great landed proprietors. From this time, therefore, no single Roman citizen was to occupy more than five hundred jugera of the state land. This law made it possible for a larger number of citizens to occupy the state lands, and it placed land at the disposal of the state for distribution. A third law provided that the office of consular tribunes should be abolished, and the consulship re-established, with the very important addition that one of the two consuls should always be a plebeian.

The three Licinian laws.

The struggle for this reform lasted ten years, if we may believe the tradition. During the first half of this period the patricians strove to cause a division among the tribunes, and to meet the proposals of Licinius and Sextius by the veto of some of their colleagues. These manœuvres compelled Licinius and Sextius to avail themselves of the extreme power which their office placed in their hands. They stopped the election of all patrician magistrates during five consecutive years, so that the state during this period was in fact without government and order. Not until the ever-watchful enemies of Rome availed them-

Agitation for these laws.

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selves of this state of anarchy to threaten the town, did the two tribunes consent to the election of magistrates. But from year to year they gained ground. The opposition within the body of tribunes was at length silenced. Then, instead of moderating their proposals and of dropping the law as to the election of plebeian consuls, as the patricians wished, they pushed their demands further, and proposed that the number of the officers for regulating religious festivals should be increased from two to ten, and should be divided between the patricians and plebeians. The opposition of the patricians was most pertinacious. They tried the terrors of a dictatorship to overawe the leaders of the plebs. Camillus, the champion of the nobility, was selected to throw the weight of his name and influence into the balance. It was all in vain. The perseverance of the popular party triumphed in the end. The patricians were obliged to yield, and when the bills had been accepted in the comitia of tribes, the senate was compelled to sanction them. The consular elections took place according to the new laws. One of the two elected was L. Sextius. But even now the contest was not ended. The senate refused to approve the election of L. Sextius. Another secession was imminent, when the old Camillus acted as mediator and peace-maker. The office of supreme judge was separated from the consulate, and under the name of prætorship, which from the beginning of the republic had been the title of the chief magistracy, was reserved for the patricians. It may be considered a further concession to the nobility that to the plebeian ædiles, who were officers of police and assistants of the tribunes, a curule office of patrician ædiles was added, charged with the duty of preparing and superintending the public games. But this new office did not remain long in the exclusive possession of the patricians. It was made accessible to plebeians almost immediately.

Settlement of the dispute.

The long dispute was thus at length brought to an end. It is true, something still remained which the patricians had saved from the wreck. They still held for themselves

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the censorship, the prætorship, and the principal priesthoods. But by the division of the consulate among the two orders the dispute was settled in principle. In the course of twenty-seven years (339 B.C.) the plebeians became eligible for the censorship, two years later (337 B.C.) for the office of prætor, while by the Ogulnian law (300 B.C.) the admission to the priestly offices was opened to them. The republican constitution had now attained its perfection. The gulf which from the beginning had separated the two classes was bridged over. The difference between patricians and plebeians, it is true, was not yet at an end, but the two classes were no longer ranged against each other as hostile parties. The old opposition was done away with. A new era began. The elements of the Roman people assumed other forms. A new nobility arose. The place of the patricians, the nobles by race and descent, was taken now by a nobility of office, less strictly divided from the mass of the people, constantly increased by the accession of new members, but not less decidedly greedy of power, avaricious and stubborn in preserving their preponderance in the state, and as consistent, firm, adroit, and unscrupulous in promoting the greatness and power of Rome abroad.

Details of the struggle.

The reform effected by the Licician laws is clear, at least in its outlines and in some of the most important parts. It was impossible for the annalists to misrepresent it, as the laws themselves remained its permanent evidence. But the details of the constitutional struggle are involved in much obscurity. We meet here with the same idle stories, exaggerations, and utterly untrustworthy and incredible statements which the annalists have generally imported into a narrative which pretends to be the early history of the Roman people. The anecdote with which Livy[1] introduces his story is badly invented. M. Fabius Ambustus, it is said, had married his eldest daughter to the patrician C. Sulpicius Rufus, the younger to the plebeian C. Licinius Stolo. The two sisters were once sitting

[1] Livy, vi. 34.

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talking together in the house of Sulpicius, who happened at that time to be consular tribune, when Sulpicius accidentally returned home from the Forum, and his lictor, according to custom, knocked with his fasces loudly against the door of the house, to announce the arrival of his master. Frightened at the noise, which she was unaccustomed to, the younger sister started, and excited the mirth and derision of the elder, who informed her of the cause of the noise. Wounded in her pride and humbled that she, the wife of a plebeian, was to forego the pomp and honour of official rank, she rested not till she had instigated her father as well as her husband to change the order of things in Rome, and to bring about a reform by which she would be able to show herself equal to the noblest matrons.—This story does not stand examination. How could the daughter of M. Fabius Ambustus, who himself had been consular tribune four years before, have been frightened at the knocking of the lictor at the house-door, or have felt herself degraded by marrying a man whose family had already held the chief magistracy in the state, and who could expect the same distinction for himself? The story is one of that class by which the vulgar attempt to discover the cause of great events in trivial or accidental circumstances. It is characteristic of the ancient historians that this absurd story is repeated by Livy and his successors without the least hesitation, as if it were perfectly authenticated.[1]

The alleged interruption of all patrician magistracies.

Whatever we may think of the story of the two daughters of Fabius, whether we admit or reject it, the general course of events is not affected by it in the least. But it is not so with regard to a statement which seems to have been generally received by the ancient writers—a story to the effect that, in consequence of the intercession

[1] The story is discredited by Beaufort, *Dissertation sur l'incertitude*, p. 308 ff.; Niebuhr, *Röm. Gesch.*, iii. 1; English translation, iii. 1. Sir G. C. Lewis (*Credibility of Early Roman History*, ii. 377) says, 'Anecdotes of this kind, which attribute the origin of great events to trifling incidents, are always suspicious, unless they are supported by the precise testimony of original witnesses, which in this case is necessarily wanting.'

of the tribunes, the Roman state was five years without its regular magistrates.[1] Our difficulty does not consist here in seeing the impossibility of such a fact, but in comprehending how sensible men could assert, without hesitation, anything so foolish. Livy, having reported, year after year, foreign wars and internal disputes, now relates that the government, or rather the history, of Rome came to a standstill for five years, in the midst of the hottest party struggles, and in the midst of wars with national enemies and rebellious allies.[2] Such an event would have been a miracle, not less palpable than the cutting of a whetstone with a razor; for not only in physical nature, but also in the social and political life of men, there are laws determined by the peculiarities of the human mind, which cannot be set aside or broken without a miraculous interference of divine power. The surging waves of the stormy sea are smoothed down more easily than the angry disputes of free citizens. The sudden appearance of an irresistible force, exercised by a dictator, a tyrant, a Cæsar or a Napoleon, can silence social disorder with surprising rapidity, but such a calm cannot be produced when even the accustomed guardians of political order are wanting.

The policy of the patricians.

The account of the five years of anarchy is therefore to be rejected without hesitation. The disarrangement of the received chronology is the inevitable result. It appears that the compilers of the old annals found themselves obliged to insert five years in order to make their calculations meet. They thought the present moment suitable, and after all were honest enough not to fill up the inserted space of five years with invented names of magistrates, battles, and triumphs. We must thank them for this self-

[1] Livy, vi. 35. According to Eutropius (ii. 2) and Zonaras (vii. 24), the anarchy lasted only four years.

[2] Sir G. C. Lewis (*Credibility of Early Roman History*, ii. 380) says, 'At a moment of violent civil discord, anarchy was not likely to produce stillness or torpor; nor can we suppose that the numerous enemies of Rome would be likely to omit such an opportunity of successful attack. The received account of these five years seems to involve a supposition similar to the idea that the course of time can be arrested by stopping the clock.'

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control, in which we see an approach to the restraint exercised on arbitrary invention by historical evidence. As to the manner in which the tribunes brought their proposals before the people, the descriptions of the historians are by no means clear and satisfactory. By the lex Valeria Horatia of the year 449 B.C., which, after the fall of the decemvirs, had entitled the assembly of tribes to legislate for the whole community, resolutions of the tribes were binding for the state as soon as the senate had given its consent (the *patrum auctoritas*).[1] If therefore the senate was unanimous, it could, like an upper House of Parliament, reject every law proposed by the tribes. But the senate opposed itself by such a proceeding so openly to the will of the people that it would have called forth a formidable resistance. It is therefore not at all unlikely that the patricians, as is related, adopted the plan of opposing the measure of Licinius and Sextius, not by a direct negative of the senate, but by a party among the plebeians themselves.[2] They gained over to their side some of the ten tribunes, and were thus enabled to oppose the tribunician veto to the tribunician bill, a proceeding by which the progress of the bill was stopped in the very first stage and which prevented it from officially reaching the senate. We are told that this opposition in the body of the tribunes, though it grew weaker year by year, was yet continued; nor can we understand how Licinius and Sextius could silence it without an act of violence, so as to get their bill accepted by the comitia tributa in due form.

[1] The constitutional law of the Roman republic knows nothing of the necessity of the consent of one popular assembly to the decisions of another. There is no foundation whatever for the theory, commonly propounded by modern writers, that the assembly of curiæ had the right of giving or withholding its sanction to a vote of the tribes or centuries.

[2] The policy of the nobility, which resembles a conservative opposition in a lower House of Parliament, was well understood in Rome and perhaps practised as early as the period in question. But it could not be older than 451 B.C., when the number of tribunes was raised from five to ten. This measure would not have been a boon to the plebs, if it had been possible for the patricians, even before that period, to find partisans among the limited number of five tribunes. See p. 190, note 2.

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A more direct opposition on the side of the senate was a sort of declaration of martial law in the form of a nomination of dictators, who were to curb the plebs with their unlimited military power. For this purpose Camillus, it is said, was nominated twice, and P. Manlius once. In these transactions Camillus played no very glorious part as the champion of the old nobility. The first time he allowed himself to be intimidated by Licinius and Sextius, who threatened him with a fine; or, according to another report, he resigned, under the pretext of a fault in the formality of his nomination.[1] The second time he advised, without hesitation, peace and compliance. On the other hand, the dictatorship of P. Manlius looks almost like an attempt at a compromise, as he had for his Master of the Horse the plebeian Licinius Calvus Stolo, evidently a kinsman of the tribune Licinius. This was the first instance of a plebeian being raised to this office, and it marks an important advance of the plebeian rights. But what P. Manlius actually accomplished, and whether he helped to bring about a final arrangement, is not stated. Perhaps he belonged to that party in the senate which, in opposition to the staunch adherents of the obsolete privileges of the nobility, understood the requirements of the times.

Later dictatorships of Camillus.

Such a party has existed in every aristocracy both in old and modern times, as it will always exist so long as human nature remains unchanged and the impulses of men are drawn in two different directions—in other words, so long as attachment to old-established institutions and a desire of improvement and progress divide the human breast. The Roman aristocracy was no exception to this rule. It is true we have but scanty information of the state of parties among the leading patricians in the earlier period. We do not know the strength of the Liberals amongst them. But we may be convinced that men like Sp. Cassius, the Valerii, Horatius, M. Manlius, and Appius Claudius, were not without friends and ad-

Liberal party in the senate.

[1] Livy, vi. 38. On a third version, contained in a fragment of the fasti Capitolini, see Niebuhr, *Röm. Gesch.*, iii. 31; English translation, iii. 26.

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herents. This Liberal party acquired a great accession of strength after the establishment of the consular tribuneship, and after the Canuleian law, which made marriages between the two classes lawful. There were now not only patrician friends of the plebeians, but also real plebeians in the senate, and it may be surmised that the reform question was as warmly debated within the precincts of the senate as on the Forum. The tribunes of the people were at this time no longer confined to seats outside the door of the senate-house. They had admission to the sittings, perhaps even the right to summon the senate; at any rate they could easily, through the presiding magistrates, cause their motions to be laid before the senate. If P. Manlius—as we may infer from his appointing a plebeian as master of the horse—was selected to succeed Camillus in the dictatorship, because he belonged to a less conservative party, it is clear that the popular party was at this time very largely and influentially represented in the senate, and that the time had really come when the demands of the plebeian body could no longer be evaded with safety.

Provisions of the Licinian laws.

The propositions of Licinius and Sextius were at length made law in due form, though not without some important modifications. If we ask what were the several provisions of the laws called, after their originator, 'the Licinian laws,' we are again disappointed by the unsatisfactory answer which the meagreness of the evidence at our command constrains us to give. Only one of the three principal measures stands out in perfect clearness, viz., that which provided that the consulship should in future be divided between patricians and plebeians. Of the second law, which referred to the regulation of tenures, we have but an imperfect knowledge; and of the third, which had reference to the relief of insolvent debtors, we know hardly anything with certainty, except its general tendency. This last law was of a temporary and transient operation, and was for that reason forgotten when it had ceased to be applied. The agrarian law seems very soon to have been

evaded, and later on to have been quite disregarded. Only the law as to the election of plebeian consuls, which the whole of the Roman people were called upon to apply every year, and which, in its simplicity, stood out sharply and decidedly, was on the whole preserved intact and inviolate, and engaged public attention so much that the Licinian legislation continued to be remembered almost exclusively as a law on the plebeian consulate.

The Roman law of debt.

The old Roman law of debt was, in accordance with the character of the Romans, harsh and severe. It treated the insolvent debtor as a delinquent who had broken a sacred contract with society. His goods and chattels, his personal freedom, as well as that of those belonging to him, were liable to be taken in payment of his debts. He who did not pay at the appointed time fell into a state of bondage differing practically but little from actual slavery. He was led away as a slave by his creditors, compelled to work, and scourged or loaded with chains, as long as he had not fulfilled his obligations. He could be sold as a slave into a foreign country; nay, the Roman law, in its heartless consistency, is said to have gone so far as to threaten a debtor with the extreme punishment of a disgraceful death at the hands of his creditors.[1]

Roman avarice.

A prominent feature in the character of the Romans was their intense love of gain. The highest as well as the

[1] A law of the Twelve Tables as understood by Gellius (xx. 1, 47) ordained that if there were several creditors, they should cut the body of the debtor in pieces, 'tertiis nundinis partes secanto; si plus minusve secuerint, se (i.e. sine) fraude esto.' Niebuhr, *Röm. Gesch.*, ii. 670; English translation, ii. 596. Savigny ('Das altröm. Schuldrecht,' in *Verm. Schrift.*, ii. 420) and Arnold (*Hist. of Rome*, i. 137) endorse the interpretation given to this law by Gellius. But Göttling (*Röm. Staatsverf.* p. 324), Huschke (*Das Recht des Nexum*, p. 89), and Schwegler (*Röm. Gesch.*, iii. 38) raise grave objections to such a view. The words *secare*, *sector*, *sectio* are technical terms, having reference to a partition of property among several purchasers at a public auction. That the word *partes* cannot mean 'parts of the body' of a debtor seems evident from the addition, which makes it a matter of no legal consequence if the creditors should have cut 'more or less' than they were entitled to. Such an expression is quite meaningless if applied to the parts of a human body, unless it is intended to be a cruel jest. It is, moreover, admitted that no Roman debtor was ever cut to pieces. Therefore, if the law was really so cruel as Gellius supposed, its cruelty was practically harmless.

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lowest among them were greedy and avaricious. This passion blunted the feelings of kindliness and sympathy for human suffering, and inspired those harsh and even inhuman laws, which were intended to extort payment at almost any cost from insolvent or obstinate debtors. But a strict law of debt would not in itself have furnished the plebeians with any grounds for complaint, unless there had been other circumstances which had the effect of placing the plebeians exclusively in the position of debtors. By these other circumstances the laws of debt came to be a means of oppression in the hands of the patricians; and the reform of these laws, as well as a remission of debts, was no longer a question of the civil law, but was treated as a subject of political debate and party warfare between the two classes. The tribunes became the patrons of the insolvent plebeians, and every concession, every relief of the debtor, had to be obtained from the patricans, as a class, by threats or violence.

The clientship.

The ancient writers have not explained how it happened that the plebeians are always named as the debtors and the patricians as the creditors. They pass it over as if it was a matter of course which needed no explanation. Modern writers have done the same. Nobody seems to have thought it necessary to inquire specially into this peculiar state of things, which made the law of debt an instrument of oppression, not of the poor by the rich, but of the plebeians by the patricians. The answer to this question is to be found in the laws which regulated the tenure of land. The plebeians—at least, those among them who were clients—were hereditary tenants of patrician families, and as such in a position of private as well as political dependence, such as must be found everywhere and at all times where the great mass of the land is altogether in the hands of the ruling class, especially at an early period of civilisation, in which public and private rights are not strictly separated, and in which the possession of political privileges is looked upon as a source of profit. Such a condition of things prevailed also in Rome. The clientela,

which we meet with in the beginning of the Roman history, exhibits the peculiar form which the political and social dependence of the lower class assumed. The client was the hereditary debtor of his patron, and his debts arose not only from loans for implements, stock, and seed-corn, but also from his obligation to pay an annual rent. Other plebeians also, who were not clients, might of course borrow money and become insolvent, but the great mass of debt must have been a natural consequence of the legal position of the client-plebeians, and thus the general complaint of oppression for debt became a plebeian grievance, and the remedy for it was sought by means of a treaty between the two classes.

Abolition of debt.

This state of things explains the close connexion of the relief given to debtors with the agrarian laws of Licinius. It shows that the debts of the plebeians arose, not from speculative loans, but through the distress of the poor, a distress which was the natural and inevitable consequence of the laws regulating the tenure of land. If this distress was to be removed, it was necessary not only to give temporary relief, by a total or partial remission of debt, but to adopt measures by which the dependent peasant should be made a freeholder. Viewed in this light the abolition of debts appears no longer an unjust and revolutionary measure. If the patricians had actually made loans of money to the plebeians, which the latter employed for their own profit, it would not be possible to justify, even from the plebeian point of view, a reduction of the capital equal to the amount of interest paid; for the laws of the Twelve Tables had given a legal sanction to a certain fixed rate of interest. But the case was different if the debts were in reality a consequence of the state of dependence in which the plebeians stood as clients to the patricians, and were loans only by a legal fiction. The exclusive possession of the common land by the patricians had long been disputed by the plebeians and branded as a crying injustice. The Icilian law, passed as early as 456 B.C., had released the plebeians settled on the Aventine from their

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dependence as tenants of the patricians and had changed their imperfect tenure into freehold.[1] After the great acquisitions of land, especially those which followed the conquest of Veii, the demands of the plebeians for freehold land had become louder and more vehement.[2]

It is not unlikely that these demands of the plebeians were the real substance of the dispute between them and Camillus, and the crime of Manlius may have been nothing more than the proposal to deliver the settlers on the Veientine territory from the duty of paying tithes. If the tribunes Licinius and Sextius entertained these questions, they were able to allege that the patrician occupiers of the new land, who had made advances to their clients for agricultural implements, stock, and seed-corn, were not entitled to more than the re-payment of these advances together with the lawful interest, that they ought never to have claimed an annual rent, and that all the payments made under this head should be deducted from the capital advanced.

Effects of the Licinian legislation.

Thus we can understand the principal features of the Licinian law which effected a reduction of debts. But the details are beyond our reach. We do not know whether a difference was made between debts arising from loans and debts arising from prædial dependence. Nor is it in any way hinted by what means the debtors were enabled to pay within three years the debts remaining after deduction of the interest already paid. Still less are we able to discover how the law was carried out—whether it produced the intended effect, or whether, like so many other laws enacted with the best intentions, it was evaded or frustrated by the intrigues of its powerful opponents. That, at any rate, it produced no thorough change is evident from the continued distress of the plebeians, and from the repeated attempts to remedy it by legislation.

Change in the meaning of the

The agrarian laws of Licinius may, on account of their great importance, be compared to the abolition of villenage

[1] See p. 191, note 1. [2] See pp. 258 et seq.

in several modern states. Their object was the formation, or at least the increase, of an independent peasantry, and a corresponding diminution of the seignorial rights of the great landed proprietors. These measures were carried at a most favorable conjuncture, when, by the success of the Roman arms, the original territory was more than doubled and when that class of citizens which had hitherto been dependent and labouring under disabilities found itself sufficiently strong to claim a share as well in the material gains of these successes as in the honours and distinctions of the republic. The import of the word people (*populus*) had changed in course of time. From the original people of the patricians it had passed over to the body of burgesses, consisting of the two classes. When the centuries had taken upon themselves all the burdens, and with them the sovereignty, of the republic, the patricians could no longer say, 'We are the state.' As a matter of course the old import of the word 'common land' (*ager publicus*) could no longer be maintained, and a continued exclusion of the plebeians from this common land became a crying injustice. Consequently, after the very first acquisition of territory in 442 B.C. which was made by the republic after a long period of distress,[1] we meet with traces of plebeian agitations in which the exclusive claim of the patricians to the common land is called an injustice.[2] Yet the old privilege did not give way at the first blow. The Roman patricians fought for it with all the tenacity of their character. It was only in consequence of the violent agitation for the Licinian laws that the ruling class made a concession which so nearly affected their interests.[3]

word *populus*.

Occupation of public land.

Niebuhr was the first to show, what is now generally admitted, that the maximum of five hundred jugera of land which the Licinian laws allowed, was not private property but common land. The measure was therefore no confiscation, but a regulation of the right of occupying the public land, a right which the patricians had hitherto

[1] See above, p. 256.

[2] Livy, iv. 53. vi. 39.

[3] Plutarch, *Camill.*, 39: *τὸν νόμον τὸν μάλιστα λυποῦντα τοὺς πατρικίους.*

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exercised without limitation according to their will and pleasure. It was usual for the state after a new conquest to dispose, by assignation or sale, of only a portion of the acquired territory. The greater part was left to be occupied by the citizens; the state reserving to itself only the fee simple and (at least since 406 B.C.) an annual rent. It is clear that such an occupation of land by sufferance of the state, though it could not confer the title of ownership, could nevertheless claim to be recognised and protected by law, especially in cases where the occupied land was improved by the occupier, and where capital had been laid out on it for buildings, roads, and other purposes. When, in course of time, such land passed into other hands by sale or inheritance, the state could not disturb the possession without straining its legal right even to the verge of injustice. A resumption of such lands without compensation would have amounted almost to confiscation of private property. But at the time of the Licinian laws, the occupation of the Veientine territory was comparatively recent. Veii had fallen in 396 B.C. In the year 376 Licinius first brought forward his rogations. In the twenty years intervening, the inroad of the Gauls took place, which could not but prevent all considerable investments in land. Moreover the agitation for the division of the conquered land among the plebeians, which began immediately after the fall of Veii, might serve as a warning to the patricians not to look upon any possession in that quarter as safe property. It is not likely, therefore, that many patricians had actually begun to farm more than five hundred jugera in the district of Veii, and the Licinian measure may have had no retrospective effect at all, and may have been intended rather to regulate the right of occupation for the future only.[1] Consequently we hear

[1] This is the more likely, as the agrarian laws of the Gracchi, more that 200 years later, fixed the same maximum of 500 jugera for the possession of land to be held by one individual. What may have been a very moderate estate in the time of the Gracchi must have been considered unusually large at the time of Licinius.

of no case of a patrician being compelled to restore to the state any land that he had already occupied. The sanction for the occupation of five hundred jugera, conferring, as a matter of course, a guarantee for the security of this possession, may be looked upon as a compensation for the losses which the patricians suffered by being deprived of the tithes of their clients for the future.[1] Under these circumstances the whole measure was as free from injustice to the large proprietors as it was beneficial to the peasantry.

Conjectures of modern historians.

Livy's statements regarding the details of the agrarian law of Licinius are extremely scanty. He mentions nothing but the legal maximum of land which an individual was allowed to possess. But there are several points with regard to which we should like to be more fully informed. Niebuhr[2] has attempted to draw a more complete sketch of the legislation of Licinius and Sextius by borrowing some features from the agrarian laws of the Gracchi which are somewhat better known, and which were essentially re-enactments of the Licinian laws, and by gathering a few detached statements found here and there in Appian, Plutarch, and elsewhere. But his conjectures are very doubtful, because it appears that neither Appian nor Plutarch had access to any genuine traditions bearing on the older law, and that their statements are nothing but guesses and inferences.

Employment of slave labour.

It is very doubtful whether in the time of Licinius the employment of slaves in agriculture had become very extensive, and had threatened to ruin the small peasants by the competition of slave labour, and to facilitate the growth of large landed properties. It is well known that this was the case in the time of the Gracchi, and that they endeavoured to counteract the evil by proposing a law

[1] It is not certain that the provisions of the agrarian law of Licinius were intended to be applied to other lands beside the Veientine district. We think it improbable that the former territory of Fidenæ, conquered 50 years before 426 B.C., was affected by it.

[2] Niebuhr, *Röm. Gesch.*, iii. 14; English translation, iii. 13.

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which required a certain portion of agricultural labourers to be free men. It seems rather probable that at the time of the Licinian laws the number of slaves was still small, although after the conquest of Veii a change had taken place in this respect. The majority of Roman citizens were free peasants. All that we know for certain of the period of the Samnite wars points to this conclusion. In consequence of these wars, however, the number of slaves increased considerably, and after the subjection of those Italians who had rebelled in the Hannibalic war, slavery began to assume large proportions, and the free peasantry of the old time diminished more and more. Later still, when, after the conquest of Macedonia and Greece, the wealth of the East flowed towards Italy, and when the Roman nobility had degenerated into a plutocracy, the signs became manifest of a decay which the Gracchi strove to prevent, but which they were too late to arrest.

Gains resulting from conquest.

On the whole there seems to be ground for assuming that the agrarian law of Licinius was productive of good results for a considerable time, even if it failed to effect all the good intended by its author. The Roman commonwealth, if it was to grow, could, from the nature of its institutions, grow only by conquest. But every conquest in antiquity was not only an extension of the power of the victorious race, but a material profit for the conquerors by the booty and the confiscations which it brought with it. This profit naturally was accumulated in the hands of the ruling families, whilst in those of the common people it melted away. No law therefore would have been able to secure permanently an equal distribution of wealth, and it is not surprising that in the course of two hundred years a greater disproportion existed between rich land-owners and impoverished citizens than in the older times of greater simplicity and contentment.

The plebeian consulship.

The third law of Licinius was intended to effect a change in the constitution of the republic. The office of consular tribunes, which had been created in 444 B.C., bore from the very beginning the character of a compromise

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and a provisional arrangement. It was intended to alternate with the consulship according to the circumstances of the times, and plebeians were to be eligible. But in reality this concession of the patricians was found to be not a real one. Not only did the patricians manage for a long time to prevent the election of consular tribunes altogether, but they succeeded also for forty-four years (444 to 400 B.C.) in excluding the plebeians from the office.[1] At length when, in 400 B.C., the plebeians had carried the election of one of their class, little was gained after all, for they could not maintain the advantage which they had gained. The patrician influence at the elections was irresistible. Only on two succeeding occasions did plebeians obtain the dignity which they were entitled by law to share regularly with the patricians. It was clear that the plebeians were unable to obtain in this manner the rights they claimed. The mere concession of eligibility was of no use. It was necessary to make it by law compulsory for the people to elect a plebeian to the highest office of the state, and unconditionally to exclude the patricians from the place reserved for a plebeian. For this purpose the old consular office was re-established, which in truth had continued to exist in a modified form in the office of consular tribunes. The very name of the latter (*tribuni militum consulari potestate*) had preserved the memory of the consulship, and they had differed from the old consuls more in external matters than in the real powers of the office. Now the Licinian law re-established the original republican office, and made it not only accessible to the plebeians, but divided it formally between the two classes by enacting that every year one of the two consuls must be a plebeian.[2]

The prætorship.

It is possible that Licinius and Sextius intended to restore the old consulship without any diminution of its original power. But this they were unable to effect. The patricians made a determined resistance, and they

[1] See above, p. 213.

[2] Livy, vi. 34.

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succeeded in separating from the consulship the judicial functions, and in establishing for these functions, under the name of prætorship, a distinct office reserved exclusively for themselves. They saw in their acquaintance with and management of the laws a chief support of their power long after they had shared with the plebeians the command of the army. The plebeians yielded. The patricians, therefore, lost not more than a third part of the supreme magistracy, for the prætor was considered a colleague of the consuls, although his functions were not precisely the same. For about thirty years (till 337 B.C.) the patricians remained in exclusive possession of the prætorship after they had been obliged to share with the plebeians every patrician office in the state, with the exception of those connected with religion.

Causes of the resistance of the patricians.

It is evident that the tenacity with which the patricians clung to the judicial office after they had given up to the plebeians a share in the consulship, censorship, and dictatorship, sprung not from their pride alone, nor was justified by a supposed incompetency of the plebeians to discharge this office. We cannot avoid accusing the noble patricians of common selfishness—a selfishness the more deserving of our reprobation as it made the administration of justice serve its purposes. As long as patricians alone acted as judges, the agrarian laws and the laws of debt which had been passed in spite of their opposition, were not easily allowed to interfere with their interests. It was possible for them to regain in detail, by the administration of the laws, what they had lost by their enactment, and we know enough of patrician recklessness in fighting for the interests of their party to feel quite sure that they knew how to avail themselves of the advantages which the exclusive possession of the judicial office for a whole generation conferred on them.

The increase of the chief offices of state effected by the establishment of the prætorship had been prepared during the time of the consular tribunes. When, in 445 B.C., the patricians consented to a change by which, instead of

two patrician consuls, three consular tribunes should be elected from the two classes, it had evidently been their intention to reserve one of the three places for the judicial office, and not to admit plebeians to this place.[1] This plan they now carried out; and perhaps they referred to it as a precedent when they formally separated the judicial office from the consulship, and handed it over to a prætor, to be elected from the patrician body.

The curule ædiles.

In a similar manner the new office of two patrician ædiles had in a manner been established in the constitution of the consular tribunes. For it is extremely probable that, when the number of these officers was increased to six, two of them had to discharge the duties which were afterwards conferred on the curule ædiles. These duties were essentially the same as those of the plebeian ædiles, and consisted principally in the management of the town police.

Growth of the Roman constitution.

This gradual growth of the new constitution out of previously existing forms is one of the features which characterise the public life of the Roman people. In the history of the Roman constitution we never meet with a total revolution that breaks entirely with the past. It advances by way of reforms, and even when the spirit and essence of the republic perished, its external forms remained, and softened for the mass of the people the transition to the monarchy, by hiding it from the superficial observer.

Religious offices.

Even before the final triumph of the Licinian laws, during the very heat of the contest, a reform similar to the division of the consulship between the two orders is said to have taken place, namely, the increase of the officers for regulating religious festivals (*duumviri sacris faciundis*) from two to ten, and the admission of five plebeians to this office.[2] The change was of considerable political importance, because these men had in their keeping the prophetic books, which could easily be made use

[1] See above, p. 213.

[2] See above, p. 316.

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of for party purposes. The admission of plebeians to this semi-priestly office was, moreover, of importance to the plebs, because the domain of religion was that which the patricians guarded with the greatest jealousy from the encroachments of their antagonists.

Admission of the plebeians to patrician offices.

By the passing of the Licinian laws, the relation of the two orders to each other was finally determined. The principle was established that patricians and plebeians were both citizens of the state, and equally eligible to the honours and dignities of the republic. It is true that the patricians, even after this period, made several attempts to regain the exclusive possession of the consulship, and, indeed, succeeded several times, in open defiance of the Licinian laws, in electing two patrician consuls; but after 343 B.C. this was not attempted again, and from that time forward the plebeians remained in undisputed possession of their share of the chief magistracy. In the first year after the Licinian laws, the exclusive right of the patricians to the curule ædileship was set aside, and there appear from henceforth alternately year after year pairs of patrician and plebeian ædiles. The dictatorship became accessible to the plebeians in 356 B.C.; the censorship in 351 B.C.; though it was not till 280 B.C. that a plebeian censor was allowed to perform the solemn act by which a new census was made and ratified (called in technical language *condere lustrum*). In 337 B.C. the plebeians obtained access to the prætorship. Still the priestly offices remained closed to them until, sixty-six years after the Licinian laws, the law of Ogulnius divided the pontificate and augurate between the two orders; but the old offices of the Salii, of the Arvalian brethren, of the Fetiales, and lastly of the sacrificial king, which possessed no political importance, always remained in possession of the patrician order.

CHAPTER IV.

THE FIRST SAMNITE WAR.

343–341 B.C.

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The Sabellians.

In the beginning of the Roman history we find four different races in possession of Italy—the Etruscans, the Greeks, the Gauls, and the Sabellians. All of these had immigrated into Italy,[1] but only of the immigration of the Etruscans, Greeks, and Gauls was any accurate tradition preserved. The Sabellians, therefore, may be looked upon as the genuine Italians,[2] and the more so as they were the parent stock whose branches gradually overspread the peninsula, and caused their language and customs to prevail over the others. The Etruscans, Greeks, and Gauls gradually lost their political independence and national peculiarities. Italy ceased to be in the south 'a larger Greece,' in the centre a country of the Etruscans, in the north a Gaul. It was the Sabines who made it one country, imprinted on it the stamp of one nationality, and spread that language and those political institutions which extensively and for a long period determined the whole history of the world. But before the various Sabellian peoples found in Rome their common centre and head, a collision took place between their two most powerful members, the Romans and the Samnites, who waged war against each other with few interruptions for two generations (343–272 B.C.). The final decision was in favour of

[1] In the extreme south-east, on the Calabrian peninsula, there are found faint traces of a primeval population, called the Messapians, who seem to have preceded all the above-named immigrants, and were driven by them into this remote corner. See Mommsen, *Unteritalische Dialecte*, p. 41 ff.

[2] They were considered by the ancients as Autochthones, or sprung from the soil. See Strabo, v. 3, 1.

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Rome, and established for ever the incontestible pre-eminence of that city and its title to dominion over Italy.

Sabellian immigrations.

That the Sabellians did originally immigrate by the land route from the north, and not by sea is clear from the fact that they had possession of the middle and mountainous part of the peninsula and in historical time moved from north to south. Their most northern tribe, the Umbrians, had been very widely spread in prehistoric times, from the Adriatic Sea to the countries which were possessed at a later period by the Gauls and Etruscans.

The Sabines.

In the most elevated valleys of the Abruzzi, surrounded by the snow-capped summits of Gran Sasso and Velino, dwelt the Sabines, who, longer than any other Sabellian race, preserved their national peculiarities, and were therefore considered in later times as models of ancestral simplicity, hardiness, and virtue.[1] From these high mountain lands the different races descended like streams that flood and fertilise the deep-lying valleys and plains. The Latins, whom we meet first in the neighbourhood of the Tiber, belonged to the oldest of these successive streams. Then came the Sabines from Cures, of whom the history of regal Rome has so much to relate. To the same race belonged the Æquians and the Volscians, whose wild onset was broken by the stout resistance of the young Roman republic, as also a number of other Sabellian nations on both sides of the peninsula.

The Samnites.

South of the highest peak of the Abruzzi, the mountain chain of the Apennines rises again in huge masses to the height of 6,000 feet. These high lands, now called Monte Matese, spread around the source of the Volturnus, and command the plain of Campania traversed by that river. Here dwelt two Sabellian races, the Pentrians in the north and the Caudinians in the south, who retained the common name of their race but very slightly changed, and were called by the Romans Samnites.[2] The same name is

[1] Strabo, v. 3, 1.

[2] The name Samnites, in Greek Σαυνῖται, *i.e.*, Sabnites, or Sabinites, is only a slight variation of Sabini. On coins of their own they called themselves Safines.—Mommsen, *Unterital. Dialecte*, p. 201.

occasionally applied to other tribes, such as the Hirpinians on their southern frontier, the Picentines and the Frentanians who lived on the Adriatic Sea. We must guard against supposing that common descent and kindred blood implied political union. It is even doubtful whether the Pentrians and the Caudinians always were united. At any rate we know that, when the Samnites are mentioned, it is by no means certain that all the races which shared this name are referred to.[1]

The Samnite state.

Of the social and political institutions of the Samnites we have no authentic account. They were rude but not savage mountaineers, hardened by their mode of life, warlike, enterprising, and bold. Although inclined to pillage and plunder, in which the wars of rude nations principally consist, they did not carry on war as mere robbers and incendiaries. Not inferior to the Romans in military equipment, in the arts of war, or in strategy, they were in every respect worthy antagonists. But they had one weak point; they had no firm political unity, and this want caused them to succumb. The individual townships or cantons, it appears, lived almost completely independent in their secluded valleys; there were no large towns in the country, and there was no centre like Rome, where the strength of the people might have been combined for common action. For the conduct of the general affairs of the nation the heads of the separate tribes met and formed a sort of senate, which, however, could not have the support of an assembly of the people, as the senate had in Rome. There were no regular magistrates chosen year by year, to whose hand the executive power might be intrusted with safety. The kingly office was unknown. In war they had common military chiefs; but it is doubtful how far these chiefs could inforce obedience among

[1] The Roman historians are generally inclined to apply comprehensive names to the peoples with whom they were at war. Instead of specifying the particular Latin or Etruscan towns concerned, they often speak of Latins or Etruscans generally, sometimes emphatically adding that *all* the Latins or Etruscans are referred to. See above, p. 96, note 1. This kind of misrepresentation is often due as much to ignorance and inaccuracy as to downright dishonesty.

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the different members of the league. We may take for granted that the confederacy of the Samnites suffered from the defects and vices which are inherent in all alliances of sovereign or partly sovereign states.

Samnite conquests.

While Rome was fighting with the Æquians and the Volscians for the dominion of Latium, the Samnites sent successive swarms of conquerors to the south of the peninsula. The Lucanians and Bruttians subdued the inland districts where along the coast the numerous Greek colonies stretched from Campania even to Tarentum. But more especially were they attracted by the fruitful plains of Campania. Here the Etruscans had founded or conquered a number of towns at the time of their national power and greatness, when they ruled over Rome and Latium.[1] All these fell one after another into the hands of Samnite conquerors. According to the Roman tradition[2] Capua, the most important of these, was lost in the year 331 U.C. (423 B.C.), and the smaller places—Calatia, Suessula, Acerræ, Nola, Atella—which covered the plain of Campania, shared the same fate, as did also Cumæ, the oldest Greek settlement on Italian ground. Naples alone was able to preserve her independence, and in this last refuge the Greek language and Greek civilisation were preserved, when in almost all other places the Greek element had been overpowered by barbarism.

Capua.

The Samnite conquerors of Campania were soon estranged from their own countrymen. No political union bound the Samnite colonies to the mother country. The Campanians, like the Bruttians and Lucanians, became an independent people. They seem even to have forgotten that they were of the same blood with the mountain tribes of the Apennines. They intermarried with the original inhabitants of the conquered districts, and in its mild climate and fertile soil they lost their old simplicity and contentment, and even their bravery. In Campania the

[1] See O. Müller, *Etrusker*, i. 166 ff.

[2] Livy, iv. 37. It is, however, probable, that the expulsion of the Etruscans from Campania took place earlier.—See above, pp. 99, 171.

Greeks and the Etruscans had vied with each other in accumulating the products of highly developed industry and extensive commercial enterprise. In this beautiful land there had arisen, under such favourable opportunities, a refined enjoyment of life, its luxuries and comforts, unknown to the rude mountaineers of the Apennines. Capua was at this time one of the richest and most populous towns of Italy, and the bad character which the inhabitants had then and afterwards for effeminacy and indulgence, though perhaps exaggerated and in some cases unjust, was certainly not quite without foundation.

Campanian factions.

Another cause contributed to weaken the new Sabellian community of Capua. The conquerors formed a nobility distinct from the mass of the people. They were constantly at variance with the common people, and seemed to regard the state and the productive industry of the people as their private property. While in Rome the patricians and plebeians had gradually become one united people, the breach between the ruling and the subject class in Capua was so widened that the two parties applied for help from abroad. The nobles directed their hopes to Rome; the people endeavoured to join the Samnites. This fatal discord could not fail to make Campania the prey of either the one or the other powerful neighbour who were lying in wait for an opportunity to seize upon that beautiful country.

Interference of Rome in Campanian affairs.

Such an opportunity was found but too easily. The Sidicinians, a Sabellian people between Campania and Latium, were hard pressed by the Samnites and received help from the Campanians. But even the two peoples united were not equal to the Samnites. On the mountain of Tifata, which forms a natural stronghold near Capua, the Samnites established themselves, devastated the country, and defeated the Campanians as often as they ventured to meet them. The latter in their distress now turned to Rome, asked and received Roman assistance; and thus, in the year 343 B.C., the Romans and the

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Samnites met for the first time as enemies in open war. The Romans had been, as we have already seen,[1] allied with the Samnites since the year 354 B.C. Of what nature the alliance was we do not know, but it is extremely probable that it was not merely a declaration of mutual friendship, but that there was a distinct object in view. This object we may venture to suppose was to reduce the hostile nations dwelling between Rome and Samnium, especially the Volscians and the Sidicinians. The Romans had, therefore, no sort of excuse for mixing themselves up in a quarrel between the Samnites and their neighbours. This was felt by the annalists, who made it their task to represent the policy of Rome not only as successful, but as just and magnanimous. They expect us to believe, therefore, that the senate declined the request of the Campanians, because Rome would not stand in the way of their allies, the Samnites. Thereupon the Campanians, it is related, surrendered themselves in due form as subjects to the Romans, and now the senate determined to take steps in favour of the town of Capua, which had become Roman. This story is confessedly false, for Capua remained, what it had been, an independent town. The Roman senate, if it found occasion to adopt the cause of the Campanians and Sidicinians, had probably a better plea than a fictitious surrender of Capua and her territory to Rome. At any rate war was declared.[2] The Roman annalists related long stories of fierce combats, and three hard-fought but decisive victories. But all these reports are either manifest and reckless exaggerations or downright fictions.[3]

[1] See p. 295. [2] Livy, vii. 29.

[3] Mommsen (*Röm. Gesch.*, i. 358) says: 'Perhaps no portion of the annals of Rome is in a worse condition than the story of the first Samnite war, as related by Livy (p. 359). Intelligent and honest readers cannot fail to observe that this report is full of all sorts of impossible things . . . The repetitions are perhaps even more startling . . . On the whole the style of narrative in this chapter betrays a different period and a different hand from the other more trustworthy annalistic reports. The story is full of detailed battle scenes, of anecdotes, and of exhaustive and sometimes startling archæological digressions.'

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The Samnite wars.

A connected history of the war cannot be made out of the contradictory and confused accounts. It appears that the Samnites were not equal to the Romans and their allies. At least they could not maintain their position in Campania, and at the end of a campaign of one year's duration, a Roman army kept possession of Capua. The time seemed to have come when the republic could plant a firm foot beyond the bounds of Latium. Campania, the apple of discord between the Samnites and the Romans, seemed to have fallen to the share of the latter; and the pretended surrender of Capua seemed to turn out a real conquest, when suddenly an internal dispute arose which arrested the Romans in their bold career of victory, and conjured up indirectly a desperate contest for their existence with their oldest and most faithful allies and kinsmen, the Latins.

CHAPTER V.

THE MUTINY OF THE YEAR 342 B.C.

BOOK III.

342 B.C. Contests of patricians and plebeians.

AFTER the settlement of the civil contest, and the passing of the Licinian law, 367 B.C., Camillus, we are told, consecrated a temple to Concord.[1] But it was an illusion to hope that discord would henceforth be banished for ever. It is true, the contest was not renewed with the animosity that had been displayed before, but patricians and plebeians were equally far removed from the true spirit which should animate the members of one community. The consciousness of defeat on the one side, and on the other the feeling of having gained but half a victory, could produce an apparent peace only during the time of mutual exhaustion. The patricians had not yet entirely given up the hope of regaining what they had lost; nor could the plebeians stop half way, and rest satisfied with a reform which reserved for the old nobility the highest judicial and other offices.

Non-observance of the Licinian laws.

It is not reported whether the provisions of the Licinian laws regarding the relief of debtors and the common land were conscientiously carried out. We may reasonably doubt it when we learn that, twelve years after the solemn peace between the two classes (355 B.C.), the most important reform of the Licinian laws, the division of the consulate between patricians and plebeians, was violated. The reactionary party of the nobility carried the election of two patricians, and the same open breach of the law was repeated in the next ten years not less than six times. It was a bad time for the plebeians, and it is natural that,

[1] Plutarch, *Cam.*, 42.

under such circumstances, the material interests of the plebeian class should suffer, in spite of the provisions of the Licinian laws. The agrarian law, we may be sure, was not carried out where it interfered with the patrician interests. But it is very probable that the ruling party made concessions to the people in minor matters, so that in the main they might keep the advantage.

Distress of the plebeians.

Thus we hear that in the year 357 B.C. the rate of interest was fixed at one-twelfth of the capital per annum,[1] and ten years later a further reduction to one-half of this rate took place. It is further mentioned that in the year 352 B.C. a commission of five, three of whom were plebeians, was formed, who, by advancing money out of the public treasury, were to assist debtors who were in difficulties, but could give security to the state for repayment of an advance. We are unable, owing to the scantiness of our information, to ascertain exactly the effect of such measures. It is not impossible that, as Livy[2] relates, debtors and creditors were satisfied; but we ought to know much more of the existing circumstances to feel quite sure that this was really the case. We can imagine reasons why the creditors made a sacrifice from political motives, and abated a portion of their legal demands, in order that, on the other hand, they might be allowed to have their own way in the appropriation of the state lands and in the administration of the republic. But the state continued to suffer from the great amount of indebtedness of the plebeians, and from various other evils. This was brought to light by the mutiny of 342 B.C., which was not merely

[1] This fœnus unciarium, *i.e.*, one ounce or the twelfth part of an as, makes 8⅓ per cent. per annum. Niebuhr (*Röm. Gesch.*, iii. 66; English translation, iii. 58) thinks that the old year of ten months was taken for this calculation. Reduced to a year of twelve months it is exactly 10 per cent. This is a very low rate of interest for those early times, and it is difficult to understand how money was actually lent at that rate at the time in question, 357 B.C. Yet Tacitus reports (*Annal.*, vi. 16) that this rate of interest was fixed already by a law of the Twelve Tables. If that was so, how was it possible to re-enact this law, as if it had never existed? The whole of this matter is beset with difficulties, which still await their solution.

[2] Livy, vii. 21.

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the symptom of an accidental passing discomfort, but the outbreak of a long-repressed and deeply-seated malady of the state.

Uncertainty of the history.

The accounts of this mutiny differ so materially that, according to Livy,[1] nothing is certain but that a mutiny took place and was put down. The different reports are indeed singular and obscure, partly on account of their brevity and incompleteness, partly as contradicting one another; but to such things we are accustomed in our authorities for the history of the time of which we are speaking. It has even happened that, in several reports of the same event, differing materially the one from the other, we have been able to discover a more genuine historical tradition than in perfectly smooth and rectified accounts. Completeness of the narrative we are, at this stage, very far from expecting. We have still to deal with fragments, and may be well satisfied if among these fragments we discover here and there traces of genuine historical testimony. Let us try to discover such in the accounts of the mutiny of 342 B.C.

The Roman legions in Campania.

After the victorious campaign against the Samnites, 343 B.C., it is said the Roman legions wintered in Campania, in order to protect Capua and Suessula against the attacks of the Samnites during the winter.[2] The luxurious life in that favoured country made the Roman soldiers forget their fatherland, and they conceived the treacherous plan of attacking the Capuans, of murdering them, and thus taking possession of their land, just as the Capuans themselves, eighty years before, had acted towards the former inhabitants. The plan became known, and was frustrated by the consul C. Marcius Rutilus. He discharged the most dangerous of the mutineers, and sent them home either singly or in small troops. Thus the army was purified of the most licentious soldiers. Meanwhile the men who had been discharged banded themselves together, marched against Rome, and placed

[1] Livy, vii. 42. [2] Livy, vii. 38.

by force a noble patrician, T. Quinctius, at their head, as commander. The dictator, M. Valerius Corvus, led an army against them. But instead of a battle, a friendly meeting took place, and the civil war was ended by the enactment of a new fundamental law (*lex sacrata*), proposed by the senate, and carried by a resolution of the people. Of the provisions of this law, which was no doubt tolerably comprehensive, only one is specified, viz., that no Roman soldier should be discharged from service without his consent, and that a military tribune should not be lowered to the rank of a centurion. Livy also mentions, as a demand of the soldiers, that the pay of the cavalry, which was three times as much as the pay of the common legionary soldiers, should be reduced. But, according to other accounts, the conditions of peace contained far more sweeping and general regulations and real fundamental reforms. One law, according to this account, forbade the re-election of a consul within ten years, and the appointment at one time to more than one office. The most startling innovation, however, is a resolution of the people, on the proposal of the tribune L. Genucius, which forbade all interest on loans.[1]

Military discontent.

What Livy says of the various reports as to the name of the commander of the mutinous troops, and the representative of the senate during these negotiations, is of no importance, and shows, as we have said, that many independent and different traditions existed, which on the whole confirm the fact of a grave commotion in the year 342 B.C. What is important to us is, to discover the object of the reform of this year, and to find the reason for it in the condition in which the state and the nation were. The regulations which forbade the discharge of soldiers against their will and the degradation of the military tribunes are only fragments of a general law, which was not confined to the two named classes, but included all ranks. It was intended to put an end to the

[1] Livy, vii. 4, 2: 'Ne fœnerare liceret.'

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caprice of the consuls, from whom, twenty years before (362 B.C.), the nomination of six military tribunes, out of four and twenty for each legion, had been taken, in order to be transferred to the people.[1] This limitation of the free choice of the consuls was not decided upon because those so nominated possessed less military ability than those who were elected by a majority of votes in a popular assembly. On the contrary, if military ability alone had been considered, the choice might have been safely left to the consuls, who, as commanders-in-chief, were more interested than anybody in having efficient officers under them. But other things besides military efficiency came into consideration. The rank which a man held in the legion regulated, in the first instance, his pay. Next to this it determined the share of plunder to which he was entitled—a material consideration with a Roman soldier. In the third place, it fixed the proportion of land which he was to receive in case of colonies being established in the conquered territory.[2] It was therefore possible for the commanding consul, by freely controlling the rank of the officers, and by dismissing or retaining the soldiers at pleasure, to deprive those who were obnoxious to him, or even whole classes of citizens, of their share in the profits of a war. Such acts of injustice must have taken place frequently; and it was natural that the soldiers should seek to prevent a repetition of these wrongs, after a victorious campaign in Campania, especially if they could look forward to an allotment of land in that country. Thus may the singular phenomenon be explained, that the people protested, not against compulsory service, but against summary discharge.

Objects aimed at by the plebeians.

How far the other parts of the reform of the year 342 B.C. harmonised with the leading idea just detailed cannot be determined with certainty. The demand that the pay of the cavalry, which was three times as much as that of the infantry, should be reduced, is easily under-

[1] Livy, vii. 5. [2] Livy, xl. 34.

stood. The consideration that every man's share of the booty was regulated by the amount of pay which he received was, we may readily suppose, one motive. The prohibition of a plurality of offices in one hand, and of the too frequent re-election to the consulship, may be explained in the same way; for the movement of the year 342 B.C. was clearly democratic, and directed against the new nobility. In consequence of the recent conquests, the Roman posts of honour had begun to be, in a higher degree than before, the sources of influence and wealth; and democratic jealousy soon began an opposition which, considering the rapacious character of the Roman nobility, was but too well justified.

The Genucian law of interest.

The startling statement that at this time a law of the tribune Genucius abolished altogether the taking of interest for loans remains to be examined. Such a law, it is true, is foolish and ineffectual; but nevertheless such laws have been enacted in several countries, after the example of the Jews.[1] Yet it is difficult to believe that such a rational people as the Romans ever adopted it, especially as the practice of taking interest was sanctioned by a law of the Twelve Tables, and again, in 356 B.C. and 343 B.C., by laws which did not forbid the taking of interest, but fixed the legal rate. We cannot believe that the Mosaic law against all taking of interest could ever have found acceptance in Rome. If, therefore, the account of the Genucian law is not entirely fictitious, it must be differently understood and explained.

Interest on loans or land.

The laws of loans and interest are modelled upon usages which were common before money existed. The first loans were land and cattle. The portion of the produce of land and of the increase of cattle given by the borrower to the lender was the natural acknowledgment of a service rendered. The Greek and Latin words for interest[2] show

[1] Exodus xxii. 25. Leviticus xxv. 39. Deuteronomy xxiv. 19. In England and Scotland the taking of interest was forbidden before the Reformation, 'as a vice most odious and detestable, and contrary to the will of God.'

[2] τόκος and *fœnus*, derived from τέκω and *feo*.

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this clearly. Rent, whether paid in kind or in money, is nothing but interest paid for the loan of land. The first payers of interest, or debtors, were therefore those cultivators of the soil who were not by law acknowledged as the owners, but as tenants of others who owned the fee simple. Hence the constant indebtedness of that class of people who among the Romans were called clients, and the manner in which clients and debtors are spoken of as one class. The old Roman clientela was a subjection of this sort. It disappeared by degrees, and was gone before the time of contemporary history. It could exist no longer than the obligation of the clients to pay an annual rent or interest lasted. If the Genucian law, therefore, had reference not to money loans—which were after all not affected by it, as interest continued to be paid, and was never considered illegal—it must have been intended to abolish client-rents, either on the old estates of the patricians, or, which seems more likely, on newly acquired land. Thus we can understand its meaning and its influence on the economical development of the Roman people. The right of occupation had been limited by the Licinian law. But it may well be presumed that, in spite of this legal limitation, many peasants actually became dependent on great landowners, not only by borrowing capital for the purpose of being enabled to cultivate the land assigned to them, but also by illegal occupation, on the part of the stronger, of lands which were taken possession of by the poorer.[1] It was therefore natural that the Roman citizens should endeavour to guard themselves against falling into a new clientela just at a time when there were prospects of new conquests in the fertile land of Campania. The situation of the plebeians, and of the Roman state in general, at this time, is very similar to that which existed after the conquest of Veii. At that time also the plebeians laid claim to an unencumbered free possession of land in the newly acquired country. Their claims were resisted by

[1] Violent seizure of lands was not unheard of; hence the necessity of the prætorian interdicts *de vi*, which were intended to prohibit them.

the old nobility, and misrepresented in the annals. It was said that they had wished to forsake or to divide Rome, and to settle in Veii. Precisely in the same way the story of the Roman soldiers intending to take violent possession of Capua is nothing but a tradition, distorted in the interest of the aristocracy, that the Roman soldiers—that is, the plebeians who fought in the legions—claimed, as by right, the possession of the land which they had won from the Samnites in war as free settlers. Whether the senate then intended to found a colony in Campania we cannot say.[1] It was, however, a step which they were very likely to take after a victorious war against the Samnites, and we can easily understand that the soldiers showed an intention to put in their claims, if such a contingency should arise. The mutiny which broke out was as intense as any that had yet shaken the state. It brought forth a new fundamental law, which, it is true, is very imperfectly known to us, but which seems to have established the principle that on newly acquired lands all Roman citizens should be settled as freeholders, not as patrons and clients.

Causes of Latin discontent.

This view of the arrangement of 342 B.C. is borne out by a further consideration. It appears that the concessions made to the insurgent troops were not extended to the Latins. It was not the intention of the Roman senate, nor of the Roman people, to equalise the rights of Roman citizens and their Latin allies. This humiliating distinction was felt by the Latins as a grievance, and was no doubt the cause of the extreme animosity with which, immediately afterwards, they took up arms against Rome.

[1] The colony of Cales was founded five years later.

CHAPTER VI.

THE GREAT WAR WITH THE LATINS.

339–338 B.C.

BOOK III.

339 B.C. Alienation of the Latins.

We have already had occasion to remark, that the old league between Rome and Latium, besides being weak and insufficient for mutual protection, was also oppressive and prejudicial to the weaker members. The league suffered not only from the defects inherent in all federal bodies, inasmuch as the interests of the whole are often in conflict with those of a part, but there was wanting from the very beginning an essential condition for true confederation, namely, equality in strength among the members. Rome, by her preponderance over each of the other towns of the league, was the acknowledged permanent head, and rose from an equality of power to absolute dominion. Her policy was decided by her own interests, and the other towns had to serve this interest either willingly or under compulsion. The Latins, who were of the same race as the Romans, equally proud, bold, and jealous of their freedom, were conscious of the unfairness with which they were treated, and of the disadvantageous position in which they were placed as the allies of Rome. While they were always losing territory by the aggressions of the Volscians in the south of Latium, the Romans had, with their help, overthrown the powerful city of Veii on the north of the Tiber, and had incorporated this great and fertile territory, not with the Latin league, but with the Roman state.[1] It

[1] According to the terms of the confederation, the Latins and Hernicans were entitled to a share in the conquered land. But it is certain that they obtained nothing, as four new Roman tribes were formed on the right bank of the Tiber. We know not if the Roman allies were allowed to take part in the two colonies Sutrium and Nepete, which had the character of Latin colonies. At any rate these towns were subject to Rome, and not to the confederacy.

is more than probable that the interruption of friendly relations between Rome and her allies, which took place after the burning of the city by the Gauls, was caused by the selfish policy of the Romans and not by her alleged helplessness. 339 B.C.

Inequality between Rome and Latium.

Strengthened by the recent conquest of Veii, Rome had gained more than ever such a preponderating influence over her allies—especially since the internal disputes between patricians and plebeians were almost settled by the Licinian laws—that in the year 358 B.C. two new districts, taken from the Volscians in the heart of Latium, could be made into Roman tribes.[1] The Latins had to submit and to renew the old league under much less favourable circumstances. Soon after this (343 B.C.) the war broke out with Samnium. New acquisitions of territory were in prospect, when it was seen that the Samnites were not able to resist the united power of the Romans, the Latins, and the Campanians. The Roman legions began to get a firm footing in Campania, and it was assuredly not the intention of the senate to share with their allies the rich spoils which the Roman nobility grudged even to their own plebeian fellow-citizens. The mutiny of 342 B.C., with the internal reform arising out of this, was a purely Roman affair. There was no thought of concessions to the allies. Rome had determined to proceed in this path. If Latium did not now resist, it was doomed to lose even the shadow of independence, and to be absorbed by Rome.

Strength of the Latin people.

Then the national pride and the spirit of the brave Latins began to rise. In the Samnite war they had shown themselves equal to the Romans in every warlike quality. There were still in Latium a number of unbroken peoples and fortified towns, smaller indeed than Rome, but well able to resist an enemy. There were the ancient Tibur, the strong Præneste, Aricia, once the head of a separate alliance, Lanuvium and the venerable Lavinium, the stubborn Velitræ—which, as it is reported, had repeatedly been conquered by Rome, and colonised,

[1] These were the tribes Pomptina and Publilia.

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and yet had rebelled again—and other towns of less note. These were joined by the Volscians of Antium and Privernum, who in these conquered Latin towns had become Latins themselves, and shared the common danger with Latium. A new spirit was awakened in all these peoples. They prosecuted the war against the Samnites independently, after Rome had in a faithless manner concluded a separate peace. The peoples also south of the Liris, even those in Campania, had discovered the intention of Rome which was threatening them, and they were prepared to fight for their independence. The Romans had no choice but to seek assistance from the Samnites, whom they had just conquered, against such a threatening combination; nor did they scruple to unite themselves with these their recent enemies against the Latins, who had been their faithful allies for a long series of years, who were connected with them by the ties of kindred and blood, and who were almost their fellow-citizens. Of the immediate cause of the war between Rome and Latium Livy gives the following report.[1]

Story of the Latin embassy to Rome.

In the year 341 B.C. the two prætors of the Latins, L. Annius, of Setia, and L. Minucius, of Circeii, came to Rome at the head of an embassy, to lay before the senate the grievances and desires of the Latins, and to specify the conditions on which they were willing that the old league should be maintained. They demanded, as once the plebeians had demanded, a share in the government; one of the two consuls and one-half of the senate were to be Latins. This proposal was rejected with indignation, as if it were a desecration of the Roman Capitol, and a sin against the gods of the town, that a Latin should dare to prefer such a claim in the Roman senate. The intercession of the magistrates was scarcely able to protect the Latin ambassadors from the rage of the people. They had to leave Rome in haste, and the Romans resolved on war without delay.[2]

[1] Livy, viii. 3-6.

[2] The story of this Latin embassy, of the haughty manner in which their demands were rejected and the majesty of Rome vindicated, was no doubt very

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Fairness of the Latin demand.

The claim of the Latins was, according to our feeling and our idea of justice, natural and equitable. They only desired a share in the full citizenship of the state, which they defended every day with their property and their blood, with which they were united by many years of common sufferings, and by victories gained in common, by blood-relationship and intermarriage, by thousands of social ties, by speaking the same language and worshipping the same gods. They did not desire to rule over Rome; they only wished for protection against unfair treatment. Their situation was almost the same as that of the plebeians towards the patricians when the latter laid claim to be alone the Roman people, to form the senate, and to conduct the government. In both cases the dispute was principally about the share in the higher privileges of Roman citizenship. Such a share was at the same time a protection against wrong and neglect in all the relations of civil life, and a title to share in the advantages which were the fruits of victory. The last point ought not to be overlooked, although in the received story it is always passed over. It concerned the peoples of antiquity in a much higher degree than we with our present views can imagine possible. In modern times a war between two nations affects only the constituted authorities, and not every citizen in his private capacity. The state as such, with its armed public force and with the public money, carries on the war. Citizens not serving in the army take no part in actual hostilities; consequently their persons as well as their property remain inviolate. What is not actually required for the wants of the belligerent armies, remains undisturbed to the peaceful possessor, and no confiscation of private property takes place, even after the total defeat of an enemy.

popular in Rome, and had assumed a form flattering to the national pride, as is still apparent in Livy, viii. 6. Yet Livy is not prepared to credit the account which makes L. Annius scorn the power of the Capitoline Jupiter, and as a condign punishment of this act of impiety fall down the steps of the temple and give up the ghost.

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Differences between ancient and modern warfare.

All this was quite different in antiquity. Every single citizen had to stake, in every war, not only his life and his personal freedom, not only the life and the freedom of those belonging to him, of his wife and his children, but all that he possessed. In this respect the wars of antiquity were mostly predatory. They were not carried on for an idea, for religion, or to inforce a disputed succession, but for the possession of fruitful plains, rich mines and pasturage, of treasures of temples and of works of art. Hence it was that the bond which united the citizens of the states of antiquity was so strong and so important, their patriotism so intense, their wars so obstinate. He who had a share in all the privileges of a citizen—he, and he alone, had also a share of the spoils and of the conquered lands. The half-citizen, the protected ally, shared indeed the dangers of the war, but was shut out from its advantages. For this reason the Latins and the Hernicans had stipulated with the Romans, in the first treaty, that they should receive each a third of the spoils and fruits of victory. As long as the confederacy was limited to the defence of its territory, such a stipulation was of no practical importance. When Rome began to grow strong, she paid no attention to it. It must have been clear to the Latins that, so long as they were without the pale of the Roman state, they would always be curtailed in the division of the spoils. Only as Roman citizens could they hope to be treated with justice; and from this motive primarily may we explain their desire to obtain the Roman franchise.

The real form of the Latin demand.

The exact form of the demand of the Latins has been obscured in the popular account of their embassy. It differed no doubt very materially from that related by Livy. They could hardly claim that one of the two consuls and one-half of the senators should be nominated from the Latins. The internal order of the Roman state, according to which the consulate was divided between patricians and plebeians, would have been disturbed by such an arrangement. The claim would also have entailed the division of other political offices, as, for instance, that

of the tribunes, between Latins and Romans, a demand of which nothing is reported. No more could the Latins claim to elect half the senate. The senate, which consisted for the most part, and certainly in its most influential members, of former magistrates, would have been made incapable of governing the state. On the other hand, something which was necessarily an important part of the demand of the Latins, and which must even be supposed to have been the primary condition of a closer union, is not mentioned. This was the reception of the whole of Latium into the Roman tribes, or more probably the establishment of new tribes out of the Latin territory. Had such a demand been acceded to, every legitimate wish of the Latins would have been gratified. Rome granted this at a later period voluntarily, but under materially altered circumstances, when it received the different districts of Latium, of the Volscian, Æquian, and Hernican territory into the Roman tribes. But before this took place a time had elapsed in which Roman law, and Roman citizens as landowners, had gained a firm footing in those districts, so that the amalgamation of that territory with the Roman did not take place until the inhabitants had really become Romans.

Nature of the quarrel between the Romans and the Latins.

When the senate ungraciously dismissed the Latin embassy, it was aware that war was unavoidable and the danger most serious. It was not a war concerning the possession of a disputed territory, but a long postponed contest, which was to decide whether Rome was entitled to dominion, or whether she was destined to be simply one of several members of a league; it was not a war with a foreign nation, but with men of the same race; in fact it was almost a civil war. For centuries the Latins and the Romans had had the same institutions, political, religious, and social. They formed one people, only accidentally distributed over different places and districts. On the high Alban mount, which overlooks the whole of the Latin plain, they celebrated every year their common festival in honour of their tutelary god, Jupiter Latiaris. The civil

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institutions of the towns, and their military organisation, were everywhere the same, and not different from those of Rome. There was nothing to distinguish Romans and Latins in arms or tactics. Their courage was equal,[1] so was their military experience and practice; in numbers, too, the two armies were nearly balanced. In one point only Rome was infinitely superior, and this superiority decided the victory. Rome was a united state; the Latins formed a confederation.

Signs of weakness in the Latin confederation.

One ominous sign of the weakness inherent in the Latin confederation was this, that not all the Latin towns took a share in the war with Rome. Laurentum remained faithful to Rome; other places were neutral. The Latins could still less reckon on all the Volscians and Campanians as true allies. Fundi and Formiæ showed themselves friendly to the Romans, and granted them a free passage through their territory. In Capua there was internal dissension. The democratic party favoured the Latins. The nobility were on the side of the Romans, and rendered such valuable services during the war that after the Roman victory they received their especial reward at the expense of the democrats. Whether more dissensions occurred among the enemies of Rome, we do not know. It is certain that Rome used every opportunity to cause division among her enemies, and that if the nobles in any single state were at enmity with the people, they had only to turn towards her to find ready assistance.

The first campaign against the Latins.

The Romans opened the war by a march, which, by a long circuitous way round the east of Latium, brought them right through the country of the Marsians and Pelignians to Samnium. Being joined by a Samnite army, they invaded Campania. This plan of the campaign, which was suggested by their alliance with the Samnites, was bold but safe. The city of Rome, it is true, was left

[1] It is a mean and unworthy insinuation of Livy (viii. 8) to say that Romans and Latins differed in nothing but courage. Curiously enough, the Romans repeated such ungenerous calumnies even at a time when the enemies against whom they were directed had become Romans.

to the protection of her citizens alone, and the whole armed force of four legions marched into a distant country, where they were separated by the forces of the Latins and Volscians from their home and the base of their operations. But the Roman army had, in case of necessity, its retreat open towards Samnium, and by attacking the Latins from the south they compelled them to turn towards Campania, and thus they indirectly protected their capital. We cannot fail to recognise here a well-studied, ingenious plan. The operations are grander and more complicated than those of the former wars with the Volscians and the Etruscans. They rise to the character and the proportions which led the Romans on to victory in the successive wars with the Samnites, Greeks, and Carthaginians.

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Traditions of this campaign.

The campaign in Campania was remembered in the popular tradition chiefly by two stories, connected with the names of the two consuls, and derived, perhaps, from the family chronicles of the Manlii and the Decii. It is the horrible tradition of two human sacrifices which fell as offerings to Roman discipline and patriotism—the tradition of the execution of young Manlius by his father, the consul T. Manlius Torquatus, and of the self-devotion of the consul P. Decius Mus.

The story of Titus Manlius Torquatus.

The consul T. Manlius is one of those Roman heroes of the olden time on whom the legend growing into history loves to linger. Whilst of most of his contemporaries we know nothing more than their names, or some isolated actions, or their general character, it seems that we can discover in this man distinct features and individual qualities. He was a genuine Roman—rudé, uneducated, severe towards himself and towards others, valiant in the field, without consideration for duties and feelings which were not subservient to the greatness and well-being of his country. His father had already shown the same spirit before him. When, in the year 365 B.C., one of those desolating plagues broke out which so often in antiquity filled the minds of the people with fear and superstition,

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when by this plague the old Camillus was carried off, with many of the noblest men, and when the people, losing all hope from human aid, sought salvation from the gods alone,[1] a long-forgotten religious custom was revived, by which, according to tradition, once in former times the fury of the plague had been allayed. It had been the custom to cause the chief magistrate, at the autumnal equinox, to drive a nail into the wall of the temple of Jupiter on the Capitol.[2] L. Manlius was now elected dictator to drive in this nail.[3] His dictatorship had no political object. It was merely a religious formality. But L. Manlius, who at that time, if not sooner, had gained for himself the surname 'Imperiosus,' endeavoured to act as a real dictator.[4] He commanded the citizens to be enlisted, as if there were war with the Hernicans, and persisted in the levy with the utmost severity, punishing the refractory ones by stripes and imprisonment. When he was checked in this audacious abuse of authority by the unanimous intercession of the tribunes, and impeached by the tribune M. Pomponius on this account, and on the charge of educating his son Titus in a manner unbecoming his station, the latter hurried from his father's farm in the country, where he was kept to ordinary peasant's work, into the town, forced his way in the early morning into the house of the tribune, and threatened to murder him immediately if he did not swear to drop the accusation against his father.[5] The same youth, soon after this,

[1] Livy, vii. 3: 'Cum piaculorum magis conquisitio animos quam corpora morbi afficerent.'

[2] This rude but sure mode of preserving a chronological record of the number of years elapsed from a given time, originated no doubt before the art of writing was known, but like similar customs continued to be practised long after. In some rural districts, at least in France, the tally is still in use, and in England the perambulation of parishes is still practised in some places. As the latter practice was connected with religious ceremonies, so was the fixing of the annual nail; but the origin of both was of a practical nature.

[3] Livy, vii. 3.

[4] Dictator rei gerundæ causa.

[5] This anecdote is not worth much. It belongs to that class of idle stories which betray an utter ignorance or disregard of Roman institutions and customs in those who invented and repeated them (see above, pp. 162, 252). The severity with which a father kept his son to agricultural labour could never

killed, in single combat, a gigantic Gaul, despoiled him of his necklace (*torques*), and thus acquired the surname Torquatus. Now, during the rebellion of the Latins, he was made consul for the third time, and Livy puts into his mouth the haughty speech to the Latin ambassadors in the senate: 'If the sanctuary of the senate could be so desecrated that a man of Setia ruled in it, he would come armed into the assembly, and strike down with his sword the first Latin who met him.'

The story of Manlius and his son.

When the war had broken out, and both the hostile armies lay encamped against each other in Campania, the consuls issued orders to the soldiers to avoid all irregular fighting, and all encounters with the enemy, and to take up the combat only on the explicit command of their superior officers. They apprehended a relaxation of military discipline if the Roman soldiers and the Latins, their old companions in arms, had opportunities of meeting singly. Then it happened that the son of the consul T. Manlius, who led a troop of cavalry, approached the enemy's camp, and was challenged by Geminus Mettius, the commander of the Tusculan horse, with whom he was personally acquainted. Stung by the contemptuous words of the Tusculan, the fiery youth forgot the injunction of his father, accepted the challenge, and killed Mettius. In triumph he returned to the camp, decorated with the arms of his slain enemy, and accompanied by an exulting crowd of his men. Before his eyes floated, perhaps, the image of his father, marching through the lines of the camp, adorned with the necklace of the Gaul he had slain, and about to receive his deserved reward. But a far different reception awaited him. With a gloomy

have been made the subject of a tribunician accusation. At the time in question and for a long time after, an education like that which Manlius is said to have given to his son would have been looked upon as especially fit for a Roman youth. Moreover, the utter disregard of the law which is ascribed to the two Manlii is incredible. What would have been the value of the fundamental law, which invested the tribunes with the right and duty of protecting the plebeians, if, in spite of their inviolability, guaranteed by the sacred laws, they were themselves exposed to such brutal and cowardly treatment as Pomponius is said to have suffered?

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look his father turned away from him, assembled immediately the whole army by the blast of the trumpet, and pronounced the sentence of death over his victorious son. The safety of the state was not to suffer from parental indulgence. Military discipline, which was shaken by the conduct of the consul's son, could only be restored by the blood of the offender. In the contest of duty and paternal love, the feeling of the Roman citizen triumphed. The blood of the son flowed before the eyes of the father. Paralysed at first with awe and terror, the assembly soon burst forth into lamentations and curses against the unnatural parent. The name of Manlius was hateful for all time, and the Roman youth were never reconciled to the heartless man who had raged against his own blood.[1]

The story of Publius Decius Mus.

The gods desired yet another sacrifice before they could acknowledge the Roman people as justified to rule over the various kindred tribes of Italy. A Roman consul must be prepared to sacrifice not only the life of his son, but his own life for the good of his country. This self-sacrifice was reserved for P. Decius Mus, the plebeian colleague of Manlius, a man who had once before saved a Roman army in the Samnite war by drawing on himself and a chosen band the attack of the enemy, and by exposing himself voluntarily to an apparently inevitable death. Both consuls, it is said,[2] were warned in the same night by a dream, that one of the two hostile armies which were

[1] The deed of Manlius was in the *highest degree* characteristic of the Roman character. The Romans always referred with a certain satisfaction and national pride to the execution of the two sons of Brutus, and to that of the young Postumius, who suffered death at the hands of his father, the dictator A. Postumius Tubertus, in 431 B.C., for the same offence as young Manlius. Of a similar character is the story according to which Sp. Cassius was put to death by his own father on account of his treasonable conduct (see p. 182). The truth of such stories may be doubtful, but they are at all events characteristic of the feelings of those who related them. The sentiment of unrelenting severity to those who disregarded their duties as citizens or soldiers was not exceptional among the Romans. The whole of the Roman people acted like Manlius when, in the second Punic war, they refused to ransom their brothers and sons who had allowed themselves to be taken prisoners, when it was their duty to conquer or to die.

[2] Livy, viii. 6, 9.

now confronting each other was doomed to perish, and that the general of the other must die. Victory would therefore be with that army whose general would devote himself to death, and with himself the army of the enemy. At a solemn sacrifice the haruspices saw in the entrails of the victims the confirmation of what had been revealed by dreams to the consuls, and neither of the two men trembled or shrunk from the task, which, as a Roman and a consul, he had to discharge. They agreed that he whose legions should begin to fall back in the battle should fulfil the command of the gods, and seek death as a pledge of victory for his country. The battle was fought by Mount Vesuvius. It was long undecided. On each side were warriors accustomed to conquer. At length the Romans on the side where Decius commanded fell into disorder and were driven back. The moment had now arrived for Decius to fulfil his fate. He sent for the chief pontiff, veiled his head, and repeated after the priest the sacred form of prayer: 'O Janus, Jupiter, Father Mars, Quirinus, Bellona, ye Lares, ye foreign and ye our native gods, ye gods who have power over us and our enemies, ye spirits of the departed, to you I pray, you I worship, from you I hope for this grace, that ye vouchsafe strength and victory to the Roman people of the Quirites, and strike the enemies of the Roman people with terror, fear, and death. As I have pronounced the words, so do I now, on behalf of the commonwealth of the Roman people of the Quirites, of the army, the legions and the allies of the Roman people, devote with myself to the spirits of the departed and to the earth the legions and the allies of the enemy.'[1] Having uttered this prayer, Decius mounted his horse, still wrapped in his toga,[2] and plunged into the thickest of the battle, seeking death for himself and victory for his army. When he was struck to death, the resistance

[1] Livy, viii. 9.

[2] Livy, viii. 9: 'Incinctus cinctu Gabino armatus in equum insiluit.' The 'cinctus Gabinus' was a peculiar mode of wearing the toga, usual on solemn occasions.—Livy, v. 46. Servius, ad Virg. *Æn.*, vii. 612.

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of the Latins grew gradually weaker, and the day remained with the Romans.

The legends of the Decii and the Manlii.

In spite of the death of the magnanimous Decius, the victory, it is said, was finally gained by a strategem of Manlius, who deceived the Latins, kept back his last reserve, the triarii, and ordered them to advance when the Latin triarii were exhausted. It appears that both families, the Decii as well as the Manlii, had their particular traditions regarding the great battle in which the Latins were overthrown, and the annalists did their utmost to combine the two. We shall not attempt to draw a picture of the battle. Such pictures belong to the latest products of contemporary history, and are not always intelligible and authentic, even if they are drawn by eye-witnesses or the commanding generals themselves. We shall have to be satisfied for a long while yet if we can only ascertain the issue of battles with certainty, for we are not nearly past the time of fictitious battles and victories. In the report of the battle of Mount Vesuvius, we are struck by the dishonesty of the Roman historians, who had nothing else to say of the allied Samnites than that they remained stationary in the distance at the foot of the mountain. We cannot believe for one moment that the warlike Samnites were idle spectators in a decisive battle. They probably fought against the allies of the Latins, the Volscians and Campanians.

Later operations of the war.

At any rate victory was on the side of the Romans and the Samnites. The Latins and their allies rallied again at Trifanum, but were overthrown with little trouble, and the war resolved itself into a number of small engagements. The Latins were not able to raise another force, and to meet the Romans in the field.[1] They threw them-

[1] The contingent of Lavinium was so slow in getting ready, that it was just marching out of the gates to join the Latin army when the news of the battle of Mount Vesuvius arrived. They returned immediately, and Milionius, the commander, is reported to have said that they would have to pay dearly for this short march. (Livy, viii. 11.) This anecdote deserves to be true. It characterises the inefficiency of the Latin confederacy. It is perhaps derived from Cato's *Origines*, in which work the local histories and traditions were contained.

selves into their fortified towns and hoped by an obstinate resistance to tire out the Romans. Thus the war was lengthened out for some time. The siege of a town fortified either by nature or by art was a difficult task, which before all things required time. The Romans of this age were not acquainted with the mechanical contrivances which at a later period they learnt from the Greeks, and which, however imperfectly, represented what we call artillery. They tried to obtain their object by the pertinacity with which they held out before a besieged town; they enclosed it by circumvallations, and gradually approached the walls with their ponderous battering-rams, after filling up the town-moats with earth and wood. If this was not possible, they relied on reducing the inhabitants by hunger. Such a proceeding was, however, possible only if the besieged town had no prospect of relief from without. As long as the enemy could keep possession of the field, the conquest of a fortified place was very uncertain. On this the Latins calculated. Every single town in Latium was a fortress, defended by perpendicular cliffs or by strong walls. Some towns, such as Præneste, were acknowledged to be impregnable. It is therefore not to be wondered at that the Romans, even after two decisive victories, had still a difficult task before they could hope to make the Latins submit. We hear of a long-continued and at first unsuccessful siege of Pedum, a town seldom mentioned, which, in comparison with Tibur, Præneste, Velitræ, Lanuvium, and Antium, must have been very inconsiderable. In the following year a victory of the Romans, near an unknown river called Astura, is reported, over the forces of Aricia, Lanuvium, and Velitræ, and now at last Pedum was taken. About this time, the important town of Antium, which by its fleet had kept the immediate neighbourhood of Rome in alarm, fell into the hands of the Romans.[1]

[1] The conquest of Antium is indeed reported but indirectly in a speech of the consul (Livy, viii. 13), yet it must be supposed to have taken place about this time, as in 338 B.C. it was in the possession of the Romans and received a Roman colony.

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Terms granted to the Latin towns.

We may presume that the other towns of Latium suffered or feared the same fate. The Hernicans remained neutral, or, what is more probable, assisted the Romans, according to their duty as members of the old confederation. That neither they nor the Samnites are mentioned in the final overthrow of Latium is, as we have often seen, to be explained from the custom of the Roman annalists, who were always bent on appropriating all the glory to themselves. But the victory of the Romans was by no means decided by one blow, nor was it a victory over all the Latins. It is distinctly said of the Laurentines that they remained faithful to Rome, and we may assume that Præneste as well as Tibur terminated the war by an honourable peace which left them independent. Rome understood how to divide her enemies. She recognised the confederation of the Latins no longer after she had retired from it. Only separately she negotiated with her enemies, and the different towns obtained peace under different conditions, as the interest of Rome or the ability of resistance possessed by each might dictate.

Treaty with Tibur and Præneste.

Tibur and Præneste were treated most leniently, not because they had been less violently opposed to Rome, but because their strength was such that Rome had no hope of subduing them by force of arms. They were therefore separated from the rest of the Latins, and the old conditions of their alliance with Rome were in the main restored. They remained independent states in the full enjoyment of their own laws and separate existence. Their sovereignty was limited only in one point, and this limitation might be regarded as an advantage, and as a guarantee of their security. A defensive and offensive alliance obliged them to let their contingents join the Roman army in case of war. In other respects, they enjoyed such an amount of free action as small states can hope to possess when allied to a larger. This state of things lasted for many generations, until the time when the Tiburtines and Prænestines had ceased to feel otherwise than as Romans.

Treatment of other districts.

The Latin and Volscian districts which the fortune of war had made subject to the Romans received less favourable conditions.[1] They were admitted into a more intimate connexion, which made them Roman citizens of the second class, without the political franchise and yet subject to the ordinary duties of Roman citizens. They received neither the right of voting in the legislative assemblies of the Roman people, nor that of being elected to any place of honour; they formed therefore no part of the real Roman state, and were included in no Roman tribe.[2] On the other hand, they enjoyed the private right of Roman citizens, the privilege of concluding a marriage with Romans, with all its legal consequences,[3] and moreover the right to buy and sell in Rome according to the strict Roman forms.[4] The most important part of this latter right was that of being able to hold landed property, and without this right, which naturally, as well as the right of marriage, was mutual, and enjoyed by Romans in Latin towns as by Latins in Rome, it would not have been so easy as indeed it was to romanise the whole of Latium and to prepare it for reception into full Roman citizenship, which happened in course of time. It is therefore clear that the concession of the Roman rights of marriage and commerce to the subject Latins, which made them nominally Romans, was not so much a concession granted to them as it was a privilege for the old Roman citizens, and enabled them to settle in Latium, and to reap the advantages which trade, commerce, and agriculture offered. This was all the easier as the Roman jurisdiction was introduced as a further condition of peace into the subject

[1] The list of towns which belonged to this class is known but imperfectly. According to Livy (viii. 14) and Paullus Diaconus (in Festus, s. v. municipium, p. 127, ed. Müller) it contained Aricia, Pedum, Nomentum, Tusculum, and Lanuvium. It was not till some time after that such towns as Fundi, Formiæ, Acerræ, Cumæ, lying south of Latium proper, received similar terms. Concerning Acerræ, see Livy, viii. 17.

[2] They had the *Civitas sine suffragio*, which was in all material points the position which the plebeians had occupied in the beginning of the republic.

[3] This right was the *Connubium*.

[4] This was the *Commercium*.

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towns. A deputy of the Roman prætor, under the name of prefect (*præfectus juri dicundo*), was annually sent into the separate towns, and administered the jurisdiction in all civil cases in which the Roman marriage and commercial law had to be applied. It is probable that in other respects nothing was altered in the customary laws.

Wisdom of the Roman policy.

On the whole, Rome was not beset by the sin of modern bureaucratic states—the sin of governing too much, of meddling with affairs which could safely be left to local self-government without endangering her supremacy. A great variety of local usages and names survived the absorption of the different towns into the Roman republic, and this wise policy contributed materially to facilitate the extension of Roman dominion and to attach the subject towns to Roman rule. Only in those places which by special acts of faithlessness or treason had drawn upon themselves the vengeance of Rome every kind of local independence was abolished.[1]

Burdens laid on the Latin towns.

It was now necessary to fix the duties which the Latin towns subject to Rome would have to perform. In the place of the old alliance, which was based on the principle of equality and voluntary consent of the separate members to all common burdens, the Latin towns had now to submit to complete dependence on Rome. Their contributions in money and in soldiers were neither determined by their consent, as formerly, nor fixed once for all; but they were imposed on them by Rome, according to the pleasure of the Romans, and according to the wants of the time, without their having any influence on the decision. This duty was the distinguishing mark of the subject towns, and from it arose the name 'municipal,' *i.e.* bound to services. The Roman censors made the assessment of the

[1] What towns were thus severely treated is not apparent from Livy's narrative. Paullus Diaconus (in Festus, p. 127, ed. Müller) mentions Aricia, Cære, and Anagnia. Of these Livy reckons Aricia in the preceding class. The other two belong to a later period. But we may suppose that Velitræ and Privernum were in this class, because they acted as Capua did in the second Punic war.

municipalities, according to which the taxes were raised, and Roman officers took charge of the levying of the men for the military service. In order to prevent in future the possibility of a revolt, every kind of political union between the Latin towns was dissolved. They were not allowed to combine one with another for any common purpose. The only place where Latins from different localities could meet for common action was henceforth Rome. In Rome they all enjoyed the rights of settling, of buying and selling, of marrying according to the strict Roman law; but all similar intercourse between one Latin town and another was cut off. They were destined to repel each other and to be attracted to the common centre.

Formation of a new Latium.

Thus, isolated, politically powerless, socially dependent on Rome, the old towns of the Latins, once so proud and so free, became gradually provincial towns of the Roman territory. There was from Rome a continual influx of Roman citizens. The old Latium disappeared, and a new Latium took its place, which, by means of Latin colonies, carried the Roman institutions, in the course of two centuries, over the whole peninsula.

Acquisition of new lands by the Romans.

As we have already had occasion to remark, wars and treaties of peace produced in antiquity not only changes in the political conditions of the belligerents, but confiscations of land which were of much more importance than the loss and gain of purely political advantages. With the overthrow of the Latins, extensive tracts of state land were, as we might expect, appropriated by the Romans. Even Tibur and Præneste are said to have been mulcted in this way,[1] although these two towns were treated most leniently. With those towns which were changed into Roman municipalities this must have been the case in a much higher degree.[2] It was not necessary always to send a Roman colony into such towns. The occupation of state

[1] Livy, viii. 14.

[2] Hence the remark in Livy, viii. 12: 'Latinos ob iram agri amissi rebellantes.'

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land by Roman citizens took place in many cases [1] where it was not necessary to establish colonies, which, at the period we are speaking of, had primarily the object of securing an exposed frontier, and not that of providing for poor citizens. As in the large territory of Veii only two colonies, Sutrium and Nepete, were established, while all the remaining land was reserved for the use of the Roman citizens, so it is probable that but few places in Latium were now colonized.[2] Most of the districts lay so near to Rome that they appeared to need no particular protection through colonies. But that considerable portions of land were made Roman state land cannot be doubted.[3] Where no further severity was necessary, the confiscation of the state lands was considered a sufficient punishment, but where, as in Velitræ, the nobility had shown themselves especially hostile, banishment was added to confiscation.

Addition of new tribes to the Roman state.

Besides the towns with which the old alliance was renewed and those which became *municipia*, there was a third class of Latin towns which were completely absorbed into the Roman state, two new Roman tribes being formed out of their territory. These towns seem to have obtained the most favourable conditions, inasmuch as they were fully incorporated. But a suspicion remains that perhaps they were really treated most severely, for it is not unlikely

[1] As in Velitræ, which was not made a colony in the proper sense, though Livy (viii. 14) says of it: 'In agrum senatorum coloni missi.' Probably Velitræ became a *municipium* without the right of local self-government.

[2] The Volscian town of Antium had taken an active part in the war with Rome. How it fell into the power of the Romans we know not (see p. 163). In 338 B.C., at the time of the general settlement of Latium, a Roman colony, consisting of 300 men, was sent there. Its fleet was partly burnt, partly taken to Rome, where the public platform in the Forum was ornamented with the 'rostra' of the ships. Dionysius (ix. 59) tells of a colony of Romans, Latins, and Hernicans sent to Antium shortly after the establishment of the republic (in 467 B.C.). This statement deserves no credit, and appears from the elaborate detail to be of late origin. Livy (viii. 14), speaking of the colony of 338, says that the people of Antium were allowed to become Roman colonists. He had said the same of the pretended colony of 467 B.C. This is an example which shows how later events furnished the materials for filling the void of the earlier annals.

[3] Livy, viii. 11: 'Latium Capuaque agro multati.'

that the old proprietors were dispossessed and Roman citizens settled on their lands. What became of the former possessors is uncertain. Perhaps they entered the class of the ærarii, or, in other words, became subjects without public rights; perhaps they were simply expelled or sold as slaves.

CHAPTER VII.

THE LAWS OF PUBLILIUS PHILO, 339 B.C.

BOOK III.

339 B.C.

Renewal of the strife between the patricians and plebeians.

BEFORE the new organisation of Latium was completed, a disturbance took place in Rome, which showed that the old opposition between patricians and plebeians had not yet quite disappeared. We have already seen that the Licinian law had failed to produce perfect peace and concord. The mutiny of the legions in the year 342 B.C. had hardly led to an agreement when the impending revolution in Latium opened a prospect of change in all the social relations of the people. It seems that the nobility were still as anxious as ever to secure for themselves the greatest advantages. In the senate this party possessed the majority; and as the senate, acting as an executive council, was not only intrusted with carrying out the resolutions of the people as to the organisation of the newly-acquired districts,[1] but could by their consent or refusal (*i.e.* by giving or withholding the *patrum auctoritas*) further or retard these resolutions, the people had practically no voice as to what should be done with the new acquisitions, whether a colony should be sent out, whether a simple assignment of land should take place, or whether occupation should be permitted. Both consuls of the year 339 B.C. had quarrelled with the senate. The origin of the dispute was a measure of the senate assigning to Roman citizens in the Latin and Falernian territory the wretched pittance

[1] Such an organisation required in each case that a law should be passed in due form. Such a law is referred to by Livy, viii. 17: 'Romani facti Acerrani lege ab L. Papirio prætore lata qua civitas sine suffragio data.'

of from two to three jugera of land.[1] The plebeian consul Publilius Philo, having been named dictator by his patrician colleague, Æmilius, probably in direct opposition to the senate, proposed a series of laws which had for their object to make the legislative prerogative of the people independent of the formal consent of the senate.[2]

The Publilian laws; the first law.

The first of the Publilian laws enacted that plebiscites (that is, the decisions of the plebeian assembly of tribes), should be binding on all citizens.[3] This law looks like a re-enactment of the law which was proposed 449 B.C. by the consuls Valerius and Horatius.[4] Whether it really was so, or whether it contained special provisions unknown to our informants, it is impossible to decide.[5]

The second law.

The second law is plainer. It declares that the resolutions of the centuries should not depend on the consent of the senate.[6] By this law the legitimate influence of the senate in legislation was not abolished. It continued to the end of the republic, and was rather increased than lessened, as with the growth of the state the counsel of a body of experienced statesmen naturally became more important. But it was possible that the opposition of the senate to a resolution of the people might bring about a deadlock. In such cases it was better for the law to decide which of the two should yield, than to leave the decision to chance or force, and it was quite in accordance with the constitutional theory of the ancient republics that the sovereignty should be vested in the people, and that the decision of the people should be the supreme law.[7] When the people had succeeded in electing a

[1] Livy, viii. 11: 'Bina in Latino iugera, ita ut dodrantem ex Privernati complerent data; terna in Falerno, quadrantibus etiam pro longinquitate adiectis.' Livy, viii. 12: 'Materiem præbebat criminibus ager maligne divisus.'

[2] Livy, viii. 12: 'Tres leges secundissimas plebei, adversas nobilitati, tulit.'

[3] Livy, viii. 12: 'Ut plebiscita omnes Quirites tenerent.'

[4] See p. 202.

[5] Compare Mommsen, *Forschungen*, p. 163 ff.

[6] Livy, viii. 12: 'Ut legum quæ comitiis centuriatis ferrentur ante initum suffragium patres auctores fierent.'

[7] In modern states various modes have been devised for getting over the difficulties of a deadlock. There was the suspensive veto of the French con-

BOOK III. 339 B.C.

popular consul, it was desirable that they should have power to enable him to carry those measures which for the well-being of the state would suffer no delay. It cannot be denied that great danger lay in this abolition of the veto of the senate. A reckless demagogue was now without any restraint but the good sense of the people, and it is a striking proof of the political wisdom of the Roman people that the Publilian law was very rarely used.[1]

The third law.

A third law of Publilius ordained that in future one of the two censors must be a plebeian. If we consider that the formation of new tribes was in prospect, and actually took place some years later, 331 B.C., when Q. Publilius Philo himself was the first plebeian censor,[2] we must infer that this law also had reference to the regulation of property caused by the new assignments of land.

Admission of plebeians to the prætorship.

The plebeians were probably also admitted to the prætorship by the Publilian law, for in the year 337 B.C. Q. Publilius Philo himself first filled the office, which from this time forward was held alternately every year by patricians and plebeians. As the Roman prætor nominated the prefects, who exercised jurisdiction in the municipia, it is evident that the interest of the plebeians in this office was of particular importance just at this period.

stitution, and there is the qualified veto of the President of the United States, which can be set aside by artificial majorities of Congress. Another remedy is the change of ministry, whereby the executive is placed in accordance with the Legislature. Where there is an Upper House of Parliament, the Crown has the means of preventing a collision by creating new peers.

[1] Such constitutional rights, which are very essential, though very seldom used, are the veto of the crown, the right of refusing supplies, and of impeachment of the ministers.

[2] Livy, viii. 17.

CHAPTER VIII.

THE EXTENSION OF THE ROMAN DOMINION TOWARDS CAMPANIA, 337–326 B.C.

CHAP. VIII.

337–326 B.C.

Treatment of the allies of the Latins.

THE new settlement of the relations between Rome and Latium occupied some years. The allies of the Latins—the Volscians, the Ausonian tribes on the Liris, between Latium and Campania, and the Capuans—were treated as the Latins had been.[1] But serious efforts were necessary before the Romans could succeed in gaining a firm footing in those parts. Cales was conquered in a war with the Sidicinians,[2] and in this important place, between the Liris and the Volturnus, a colony was established of 2,500 men, which was intended to secure the road to Campania. The Romans had thus pushed their conquests into the immediate neighbourhood of the Samnites, with whom it was clear that a conflict could not long be postponed.

[1] The settlement made in Capua deserves particular attention (Livy, viii. 11, 14). The nobility in Capua had taken the Roman side, but had been unable to prevent the town joining the Latins. At the conclusion of peace, Capua forfeited a portion of her public land. As a compensation to the Capuan nobility, who probably had had the use of this public land, the people of Capua were made to pay each of the 1,600 nobles an annual sum of 450 denarii. It was like substituting a civil list for the possession of domain lands. The proceeding throws a light on the position of the nobility not only in Capua, but also in Rome, where similar institutions prevailed. It was an acknowledgment of the duty of the people, *i.e.* the plebs, to pay for the support of the nobility. The most natural manner of taxation is the payment of a portion of the produce of the public land. Where this was abolished, as in Capua, it was replaced by a direct contribution in money. It has to be remarked that the plebs of Capua received the limited Roman franchise (*civitas sine suffragio*), whereas the nobles were admitted to the full franchise. This completes the analogy between the plebeians and patricians of Capua and of Rome.

[2] In the year 335 B.C.—Livy, viii. 16.

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In the very next year two Volscian towns, Fabrateria and Luca, placed themselves under the protection of the Romans, to be safe from the Samnites, and the Samnites, at the instance of the Romans, refrained from hostilities against these new friends of their allies. They also looked on quietly while the Romans (330 B.C.) chastised, with the greatest severity, the two towns of Fundi and Privernum, which had tried to shake off the yoke of the limited Roman franchise imposed upon them.[1] The leader of this revolt, a noble citizen of Fundi, of the name of Vitruvius Vaccus, atoned for his undertaking by death at the hands of the executioner. The town of Privernum was deprived of its walls, the senators were banished to Etruria, their land divided among Roman citizens, and the town ceased to be a self-governing community. At length (in 328 B.C.) the Romans established a colony in the town of Fregellæ, a most important locality on the river Liris, on one of the two roads leading to Campania. Thus Rome pushed to the very utmost the advantages of her victory over the Latins. The Roman territory was greatly enlarged, the former allies made entirely subservient to the interests of the state, and bound to Rome with chains of iron. The subject territory, in different degrees of dependence, stretched from Tibur and Prænestе as far as Campania; new fortifications secured the frontiers. Rome had more than doubled her size. Her internal organisation had become stronger, and she was ready to break through the narrow bounds which had thus far confined the ambition of her citizens.

Position of the Samnites.

The Samnites did not look on with indifference at this extension of the Roman power, which could advance southwards only at their expense. Their interest imperatively demanded that they should oppose its further growth, and especially that they should protect their nearest neighbours and kinsmen, the Volscians, Aruncans, and Campanians, against the Romans. Yet they remained

[1] Livy, viii. 19.

quiet. This peaceful disposition could not be caused by shortsightedness. The Samnites saw the danger which threatened them from the north, but their strength was at this time required for a new enemy who came from the south and threw the whole of lower Italy into a state of excitement. Alexander, the prince of the Molossians, had landed in Italy, with a Greek army, and appeared to be going to found a great Greek empire on its shores, as his nephew, the great Alexander, did in the East.

Alexander of Epirus in Italy.

Up to this period no direct political intercourse had taken place between Rome and Greece. All the stories of former relations of the Romans to the Greeks are open to doubt and suspicion. Now, however, the Romans had come into contact with the Greeks in Campania, and the appearance of Alexander in Italy was the first event by which the Greeks influenced Roman affairs. This seems, therefore, a proper place to cast a glance over that part of the peninsula where Greek colonies had been planted, and which becomes visible more and more as the horizon of Roman history widens.

CHAPTER IX.

THE GREEK SETTLEMENTS IN ITALY.

BOOK III.

Greek colonisation in Italy and Sicily.

ITALY and Sicily were for the poet of the Odyssey still the fabulous land of one-eyed giants and savages, of sea-nymphs and enchantresses, of unapproachable rocks and whirlpools. In those parts near the setting sun was the entrance to the realm of shadows, where the world of the living was in immediate contiguity with the dwelling-place of departed spirits. But by degrees the mist which had hidden the west from the eyes of the Greeks began to pass away. The time came when Hellenic mariners, seeking plunder and profit, explored the seas from east to west, in increasing rivalry with the first and boldest navigators of antiquity, the Phœnicians. The news reached Greece of a large and beautiful country on the other side of the Ionian sea, rich in luxuriant pastures and far-spreading plains, such as the poor mother country did not contain among her bare mountain chains. Numbers of bold adventurers now poured across the sea from every part of Greece to found new homes in the beautiful country of the west. The coast of sunny Sicily was soon covered on the east and west with Greek colonies; in Italy they stretched from the beautiful Gulf of Campania to the innermost parts of that of Tarentum. The highly gifted Hellenic races quickly reached a high degree of prosperity in their new settlements, and it seemed as if a new and a larger Greece was about to flourish on Italian soil. Sybaris, Croton, Rhegium, Metapontum, Tarentum, and a number of other settlements in the southern parts of Italy vied with the Sicilian towns

of Syracuse, Gela, Agrigentum, Leontini, Naxos, Messana and others in the arts of peace and war, and in the seventh and sixth centuries B.C. far outstripped the mother country in wealth, population, and magnificence. They subdued the country from the coast inwards, and ruled over the native races. The extraordinary prosperity which the Greek towns in Italy and Sicily had reached is evident even now from the splendid ruins of their edifices. We can form a faint conception of what must have been the grandeur of Agrigentum, Syracuse, Croton, Sybaris, and Tarentum from the imposing ruins which fill the traveller with awe, admiration, and mournful regret, on the site of Posidonia or Pæstum, one of the most insignificant of all the Greek cities.[1]

Character of Greek polity.

With all their energy and activity, the Greeks were wanting in the ability to work out a stable form of government or a grand comprehensive national polity. They knew of no division or limitation in the exercise of sovereign power, no subjection of the individual will to law, no dominion over others but that of force. They pushed the rights of the individual to the extreme, and they never acknowledged in the just claims of others a barrier to their own desires. Sparta was considered in Greece, by the wisest and best men, as the most perfect realisation of an ideal state. And yet the law in Sparta sanctioned the continuance of inhuman violence. The Spartan institutions were a permanent outrage on the noblest instincts of humanity; they secured order at the cost of justice, culture, and the more refined and dignified enjoyments of life. Where the same iron despotism could not be inforced as in Sparta, public life was one constant struggle between the aristocratic and democratic parties, both of which with equal recklessness, with equal contempt of divine and human laws, expected peace, salvation, and prosperity for themselves only from the complete subjection or annihilation of their antagonists. The same feelings which

[1] Compare Droysen, *Gesch. des Hellenismus*, ii. 91.

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animated the civil contests in each separate community inspired the international policy of the Greek states. Every conquest of land led to the enslavement of the conquered, not to the real extension of the mother town by the admission of new citizens. Thus Sparta incapacitated herself to unite the Greek races under her strong shield, for she degraded the conquered into Helots. Athens failed in her attempt to form a strong confederation, for she was only intent on making profit from her allies. Hence arose the desperate courage with which every Greek town defended itself, and that wonderful energy of the separate states, which rendered the formation of larger states impossible.

Political isolation of the Greek colonies.

With the virtues of their race, the Italian Greeks had also brought their vices to their new homes. Had they joined for common action either in Sicily or Italy—nay, had they only refrained from mutually lacerating one another —they might have hellenised the whole country, and have found in Italy the broad basis for a Greek empire. Perhaps Greek civilisation might have prevailed over Italian barbarism, and, instead of a Roman, a Greek empire have extended itself along all the coasts of the Mediterranean. But that was not to be; the prosperity to which the Greek settlers had attained in Italy in two centuries, suffered, after many partial interruptions, the first heavy blow by the war which, about 500 B.C., broke out between the two neighbouring towns of Sybaris and Croton, and ended in the total destruction of Sybaris. This war was succeeded by a bloody revolution in the victorious city of Croton, by which the aristocratic party, and with it the political sect of the Pythagoreans, were expelled. Thus weakened, Croton suffered, in a war with the neighbouring Greeks of Locri and Rhegium, a defeat at the river Sagra, from which it never again fully recovered. Through such struggles, the Greek nationality in Italy declined. The aboriginal population of the country, the Messapians and the Sabellian tribes, the Lucanians and the Bruttians, which were spread over the south of Italy, were encouraged

to a more vigorous resistance against the Greek settlers. The Greeks in Sicily frequently made common cause with them against their own countrymen. Thus in the wars of rapine and plunder with which the elder Dionysius visited the Italian coast, Rhegium was destroyed and the inhabitants were sold as slaves.

Schemes of Alexander of Epirus.

In these troubles the Italian Greeks turned for help to the mother country, but without renouncing even now the jealousy, the ambition, and the hostilities amongst themselves which were destined here, as everywhere, to be so fatal to their freedom. Of all the Greek settlements on Italian ground Tarentum was perhaps the most favourably situated. By an active industry and an extensive trade it had raised itself to a condition of great wealth, and it enjoyed a comparative security from hostile attacks. But Tarentum also felt the effect of the calamities which visited all the Greek towns, and she found it more and more difficult to defend her independence from the Italian nations. In vain the Tarentines called the Spartan king Archidamus to their assistance. At the time when Rome came forth victorious from the war with the Latins, Archidamus fell in a battle against the Lucanians. The Tarentines now applied to Alexander, the prince of the Molossians in Epirus, brother of Olympias and uncle of Alexander the Great. The time had arrived when the genuine Hellenes began to languish, and when the rude vigorous half-castes in the north of Greece, the Macedonians and the Epirots, seemed to be called upon to propagate the civilisation of Greece over the world. While Philip of Macedon and his great son gathered together in their hands the forces of Greece, and were about to direct them towards the East, the spirited princes of Epirus conceived a plan equally bold and equally worthy of success in endeavouring to unite the Italian and Sicilian Greek towns into a powerful state, and to found a Greek empire of the West. But here, on Italian ground, they met with races who, unlike the enervated Asiatics, did not submit their neck to the yoke, but maintained their freedom with

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stubborn resistance, and, advancing from the defence to the attack, expelled the foreign invaders, and reduced all the Greek settlements in Italy and Sicily to submission.

Death of Alexander of Epirus.

Alexander landed in Tarentum with an Epirotic army,[1] organised and equipped according to Macedonian fashion. His object was clearly nothing short of the conquest of Italy. He overran the peninsula, beat the Samnites, Lucanians, Bruttians, and Messapians in many battles, took their fortified places, established himself in Greek towns, and was on the point of accomplishing his bold project when he fell by the hand of a traitor. The whole expedition was frustrated by his death; his army dispersed; his conquests were lost; the Greek towns had not the courage or the skill to maintain their superiority over the Italian barbarians; in short, the old state of things returned, and Romans and Samnites stood alone opposed to one another to fight out the battle for the dominion in Italy.

Position of the Romans and the Samnites.

Alexander, in one of his marches through southern Italy, had come into the neighbourhood of Campania, and had concluded a treaty of amity with the Romans. This treaty was of course directed against the Samnites, whose services the Romans thought that they should no longer need after their complete conquest of the Latins, and who would be in their way if they wished to extend their dominion further south. The Romans did not hesitate to make friends of the enemies of the Samnites. Their politics were above considerations of attachment and gratitude to those to whom they owed their deliverance from the danger of the Latin war. Circumstances had changed. Rome had become

[1] It seems that these Epirots, coming from the country where the Graikoi lived, brought the name of Græci (Greeks) into Italy, by which the Romans always designated the Hellenes. The Greeks settled in Italy were known to the Romans as Tarentini, Crotoniates, Cumani, Neapolitani, but not as one nation. It was not before a powerful Greek king from beyond the sea invaded Italy with a Greek army, that a designation arose, which was gradually applied to all the inhabitants of the eastern peninsula, and then passed over also to the Italian Greeks. If the Romans had had regular intercourse with Greece at the time of Tarquinius Superbus, or even of Camillus, as is generally reported, they would never have adopted any name to designate that country but Hellas.

strong; the Samnites caused difficulties. It was necessary to make use of this opportunity, and, by help of the Greek prince, to get rid of the rivalry of the Samnites. The death of Alexander freed the Sabellian peoples of Italy from the danger of falling under Greek dominion. The Lucanians and Bruttians could now continue their old feuds with the Greek towns on the coast, and the Samnites had time to collect all their force against Rome. There were not wanting causes or pretexts for a new war.

CHAPTER X.

THE SECOND SAMNITE WAR, 326–304 B.C.

BOOK III. 326–304 B.C.

Cumæ and her colonies.

CUMÆ was the oldest Greek town on Italian soil. In the time of her prosperity, before she fell into the hands of the conquering Samnites, she had established settlements on the neighbouring gulf named after her, and had infused into a great many places on the Campanian plain a touch of Hellenic blood. Among the towns founded by Cumæ were two cities named Palæopolis and Neapolis,[1] the old town and the new town, which appear to have been situated close to one another and to have formed one single political community. Palæopolis was destined to become the apple of discord between the Romans and the Samnites. Having reduced Cumæ after the end of the war with the Latins, the Romans were anxious to make further acquisitions in Campania, and accordingly were soon involved in disputes with the inhabitants of Palæopolis. The occasion for these was alleged to be the hostility of the Palæopolitans against Roman citizens who had settled in their vicinity. It is in the highest degree improbable that the small town of Palæopolis should provoke the hostility of the Romans by such foolish conduct. There were, however, in Palæopolis, as everywhere, an aristocratic and a democratic party, and we are told[2] that the one party sought assistance from the

[1] Livy (viii. 22) speaks only of Palæopolis, whilst in the account of Dionysius (xv. 4) Neapolis alone is mentioned. It seems to be implied in the statement of Livy (viii. 26) that the two towns formed only one political community. At a later period the old town was quite absorbed by the new town. A similar juxtaposition of an old and new town is found in Panormus (Polybius, i. 38) and Syracuse, in both of which each place had its own separate wall and fortification.

[2] Dionysius (xv. 4–7) gives a full and rational account of the causes that led to the war.

Samnites, the other from the Romans. The Romans were everywhere the friends of the aristocracy. It was consequently the popular party in Palæopolis which applied for aid to the Samnites, and caused a strong Samnite garrison to be sent to Palæopolis.[1] When this Samnite force had marched into Palæopolis the war was in fact begun, and it was a war, not between Palæpolis and Rome, but between the two great rival nations, the Romans and the Samnites.[2] Thus the war between Rome and Samnium began, just as the war between Rome and Carthage at a later period became quite unavoidable, when the town of Messana, which both people were striving to take, was occupied by a Carthaginian garrison. In truth it was no longer possible after the Latin war for the Romans and the Samnites to keep up friendly relations. If the Samnites did not wish to surrender the whole of Campania to the Romans, it became indispensably necessary to make a stand, since they were no longer threatened by King Alexander. They were determined to do this, and seized the opportunity which offered itself in Palæopolis.

Critical position of the Romans.

The situation was very serious for Rome. They had to accept the challenge which had been offered them, through the occupation of Palæopolis, or they must give up Campania, and perhaps much more. Without the least hesitation, they resolved on war, elected to the consulship one of their best men, Q. Publilius Philo, who, as a statesman and as a soldier, enjoyed the confidence of all, and conferred on him, without the customary decision by lot, the command of the war in Campania. Publilius had (339 B.C.)

[1] Livy (viii. 23) states the numbers to have been 4,000 Samnites and 3,000 men from Nola in Campania.

[2] The similarity of the events which led to the second Samnite and to the first Punic war is well worthy of notice. In the latter case it was the possession of Messana in Sicily which the two rival states coveted, and in which both had their adherents. In both instances the Romans were anticipated by their enemies, who were admitted into Palæopolis and Messana respectively by the party favourable to them. When we come to investigate the causes that led to the war with Pyrrhus, we shall find the same circumstances to have prevailed. The Romans and Pyrrhus tried, by means of their respective adherents, to get possession of Tarentum, and the Romans failed in their attempt.

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as dictator carried the important laws which bore his name, and which had infused more activity and energy into the state. He was moreover the first plebeian who filled successively the offices of prætor and censor. He was now able to effect a further reform. In the previous wars which had been carried on in the neighbourhood of Rome, and which had seldom lasted longer than a few summer months, it had been customary in every new campaign to place at the head of the army the newly elected magistrates, consuls or military tribunes. Now, as the war had assumed larger dimensions and was more complicated, it seemed necessary to modify the old practice, and to confide the execution of one uniform plan to one commander alone. Therefore the command of Q. Publilius Philo was prolonged after the expiration of his year of office, and he was the first Roman who commanded an army as proconsul.

Alliance of the Romans with the Lucanians and Apulians.

With a just appreciation of the greatness of the impending war, the Roman people decided to strengthen themselves by foreign alliances. They possessed the instinctive tact which is displayed even by rude and ignorant nations in their first unsteady steps on the tortuous path of diplomacy. They looked for allies among the neighbours of their enemies, especially those who dwelt in their enemies' rear. When they had to encounter the Æquians and Volscians, they had made friends with the Hernicans; afterwards they had availed themselves of the assistance of the Samnites to crush the Latins; then they made a treaty with Alexander, the Molossian king, who was attacking Samnium from the south; now they acted on the same principle by drawing the Apulians and Lucanians into their alliance.[1] Not much dependence, it is true, could be placed on the Lucanians. Widely spread over the southern part of the peninsula from Samnium to the Tarentine Gulf, the land of the Bruttians, and the Tyrrhenian Sea, in constant war with those Greeks who

[1] Livy, viii. 25: 'Lucani atque Apuli quibus gentibus nihil ad eam diem cum populo Romano fuerat, in fidem venerunt, arma virosque ad bellum pollicentes; fœdere ergo in amicitiam accepti.'

had settled on the coast, they led the unsteady life of robbers and shepherds, ready always, for pay and booty, to serve anyone who presented flattering prospects to them, the real forerunners and models of the Italian condottieri and brigands. Regular political organisation was unknown to them; they lived in continual wars among themselves[1] and with their neighbours, without a well-defined national union. As hereditary enemies of the Greeks, they had at first fought against Alexander of Epirus; then they fell out among themselves, and one party supported Alexander and fought under his banner; soon these went over to the other side, and Alexander was murdered by a traitor from their ranks. They seemed now to be again at enmity with the Samnites, and they willingly accepted the friendship offered them by Rome. This alliance was not destined to last very long; for, according to Livy's report, the Lucanians soon deserted the Romans and made common cause with the Samnites. Still, a nation so divided and so unsteady as the Lucanians presented a favourable field to Roman diplomacy for sowing discord, and it could not have been difficult for Rome to make the Lucanian alliance utterly useless to the Samnites. The Apulians lent themselves more readily to a Roman alliance than the Lucanians. Apulia, extending on the east of the Samnite mountain lands towards the Adriatic Sea, was indispensable to the Samnites as a pasture-ground for their numerous herds in winter, when the snow lay on the hills of Samnium. This circumstance was the cause of constant disputes between the Samnites and the Apulians,[2] and it was therefore not difficult for the Romans to gain friends in Apulia. Even the kindred Sabellian races north of Samnium, the Marsians, Pelignians, Marrucinians, and Vestinians, appeared in the beginning of the war either neutral or friendly to the Romans, a circumstance of the

[1] Livy, x. 18.

[2] See Niebuhr, *Röm. Gesch.*, iii. 219; English translation, iii. 191. Arnold, *Hist. of Rome*, ii. 108, note 28. Livy, ix. 13. We find a similar permanent hostility between the highlands and the lowlands of Scotland, as long as the unsettled state of the country lasted.

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greatest importance, as by this means the road to Apulia was open to the legions. The friendship of the Romans with these Sabellian tribes is probably of older date, for in the Latin war we have already seen that a Roman army marched through their land on their roundabout way to Campania in order to attack the Latins in the rear. The Vestinians alone made an attempt to break the alliance with Rome, but they were soon compelled to desist, and they kept quiet during the rest of the war. Samnium was thus isolated and surrounded by Rome and her allies. The Roman senate had neglected nothing which forethought and prudence demanded to secure success. All that remained to be done was to secure the divine protection, and the great struggle could with confidence be entered upon.

Special religious ceremonies.

As the private life of the Romans was regulated with reference to the divine will and protection, so in political life more especially no important resolution was made, no great decision ventured upon, without the special consent of the gods.[1] But the usual auspicia were not considered sufficient in cases of uncommon emergency. To avert extraordinary dangers extraordinary means were necessary for obtaining the favour of the gods, and it was on such occasions that the books of fate were consulted. Now it was determined, probably after consulting the so-called Sibylline books, to celebrate a 'lectisternium.' This old Italian ceremony,[2] which was calculated to make a deep impression on the people, consisted in a solemn feast given to

[1] See above, p. 117.

[2] It has been supposed that the lectisternia were of Greek origin, because they were generally held upon the recommendation of the Sibylline books. However, the oldest prophetic books of the Romans were not the oracles of Sibylla, but libri fatales of native origin, which at a later period were not clearly distinguished from the Sibylline books (see above, p. 80). The choice of the gods to whom the lectisternia were to be celebrated depended no doubt on the particular circumstances and the events which called for them. It is probable that in the old time only genuine Italian deities were worshipped on these occasions, and not Greek gods, as was not uncommon afterwards. In 218 B.C. Livy (xxi. 62) reports a lectisternium to Juventus, and in 217 B.C. to Saturnus (Livy, xxii. 1).

the gods themselves, who were supposed to come personally as invited guests among the people, as a proof of their intention to show themselves friendly and gracious. The decorated images of certain gods were laid upon rich cushions, and close by were placed tables with food. The people crowded the streets, and thronged the temples of the gods who had condescended to be present among their worshippers. It was a general day of prayer, which inspired serious thoughts, and strengthened human determination with the hope of heavenly approval. The gods were propitiated, the war could begin.

Declaration of war.

The Samnites were now called upon in due form through the fetiales to withdraw their garrison from Palæopolis, a request which could have no other object than to call forth a declaration of war.[1] The Samnites declined to comply, and on their part complained of the occupation and colonisation by Rome of the town of Fregellæ on the Liris, which the Samnites some years before had conquered and destroyed, and which therefore by right belonged to them, and not to the Romans. Where war has been previously determined upon, the discussion of mutual grievances and of points of law is useless. But it was a contemptible piece of hypocrisy and an act of bare-faced impiety on the part of the Romans to invoke the gods to witness that it was the Samnites who wronged the Roman people by refusing redress for just complaints. How hardened must have been the consciences, or how indifferent the minds to the meaning of words and set forms of prayer, if the fetialis could pronounce without trembling[2] the formula by which he declared war, and called down the blessing of the gods upon that of the two hostile nations which had justice on its side![3]

Character and objects of the struggle.

An authentic account of the second Samnite war, if we possessed it, would belong to the most instructive and

[1] Dionysius, xv. 8–14.

[2] Dionysius, xv. 13.

[3] Niebuhr (*Röm. Gesch.*, iii. 211; English translation, iii. 183) says: 'This was an impious prayer, which the priest, unless he was a juggler, must have spoken with inward horror; for it is even now clear as the light of day that Rome broke her oaths, and brought about the war by violating the rights of the Samnites.'

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attractive chapters in the whole range of history. The question at issue was not now one of paltry squabbles about cattle being driven away, or a few villages burnt, as in the tedious wars of the Æquians and Volscians. The two most powerful nations of the peninsula struggled with each other for no less a prize than the dominion over the whole of Italy. It was a war full of unexpected changes, of triumphs and defeats, a war which called forth the highest qualities of the statesman, the citizen, and the soldier. The Roman republic had passed through numberless internal struggles and external dangers, and stood in youthful strength and conscious courage. It was now to be seen how the political institutions would answer which had been made, not by one single legislator, but by a whole people working with stubborn perseverance during several generations. On the other side stood a vigorous, unbroken people of herdsmen and peasants, proud in their independence and capable of the greatest exertions and sacrifices—a people which calls for our warm sympathy, not only on account of its magnanimity, but also on account of its misfortunes. We should like to look into the internal connexion of events, in order to follow the steps which led gradually to the exhaustion and overthrow of the mighty Samnites. But we recognise in the stories which have been preserved to us only sketchy, mutilated fragments of a tradition which in its very origin was marred by Roman partiality, by patriotic mendacity and family pride. It is difficult enough to recognise the leading events in their grand outlines, and to clear them from the false colouring of the partial annalists; but we must give up the hope of tracing all the connecting links which bound one to another. We shall therefore dwell only on the few events which stand out with clearness and certainty from the confused mass of the received narrative, and indicate in a general manner the course and character of the war.

Fall of Palæopolis.

The Romans, it seems, began the war with great energy in Campania as also in Samnium. The siege of Palæopolis

was continued, and, as already related, the command was prolonged to the consul Q. Publilius Philo. The town soon fell into the hands of the Romans, not by conquest but by treason. The leaders of the Roman party in Palæopolis took the Samnite garrison one night into the harbour, under the pretence of manning the ships and undertaking a predatory excursion to the Latin coast. At the same time they let the Romans into the town, closed the gates of the harbour, and compelled the Samnites, who had already deposited their arms on board, to a hasty flight.[1]

Disposition of the Roman legions.

In the meantime the two consuls led their armies to Samnium, to attack the Samnites in their own land and to prevent their raising the siege of Palæopolis. It is reported that three Samnite towns—Allifæ, Callifæ, and Rufrium—fell into the hands of the Romans, and that the length and breadth of the country was laid waste by the consuls.[2] At the same time the Romans must have penetrated, probably with one of the consular armies, through the country of the Marsians towards the eastern scene of war in Apulia; for the following year, 325 B.C., marks the subjugation of the Vestinians, with whom the Romans could have come in contact only if they marched through their land to Apulia. The war with the Samnites, therefore, was commenced in three different places by one proconsular and two consular armies of two legions each, and the first success was on the side of the Romans, who anticipated the Samnites in the attack.

The story of Papirius Cursor and Q. Fabius Rullianus.

The Roman annalists generally leave the connexion of military events quite out of sight, and like to occupy themselves with stories in which the prominent men of noble families played a great part. Thus a dispute between the dictator L. Papirius Cursor and his master of the horse, Q. Fabius Rullianus, supplies Livy with an opportunity for showing his great talent for rhetorical declamation and effective narrative. Several chapters[3] are filled with this

[1] Livy, viii. 26. [2] Livy, viii. 25. [3] Livy, viii. 30–40.

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interesting affair, but they contribute nothing towards the real history of the war. L. Papirius Cursor was one of those favourite heroes of the old school who looked upon military discipline as the first condition of national prosperity.[1] He was now dictator, and being obliged to leave the army and go to Rome to take the auspices anew, he left strict injunctions with his master of the horse, Q. Fabius Rullianus, to avoid all collision with the enemy during his absence. Fabius did not attend to this order. He made use of an opportunity, and won a great victory over the Samnites. For this violation of military obedience the stern Papirius threatened that he should suffer death. Fabius escaped from the camp and sought protection with the Roman senate. But the dictator followed close after him, refusing to be turned from his resolution by any entreaties or threats, until Fabius, renouncing any protection from the law, gave himself up to the magnanimity and mercy of the dictator. After the sanctity of military discipline had been solemnly acknowledged by this submission, Papirius granted Fabius his life, but removed him from his office, and appointed in his place L. Papirius Crassus as master of the horse.

Alleged exploits of Papirius and Fabius.

The annalists of the Papirians and the Fabians, who mentioned these family disputes, were not at a loss to make a suitable framework of military events for their narrative. The Fabians told long stories of a great victory gained by Q. Fabius over the Samnites in the absence of the dictator—a victory which excited his envy and jealousy.[2] Twenty thousand enemies were slain. That, however, was not yet sufficient. Some writers related two victories of Fabius, equally grand and brilliant. But others, as Livy honestly adds, mentioned nothing of all this. The oldest annalist of the Romans, who worked up family memorials into a history of Rome, was Fabius Pictor. To him we may perhaps attribute a great part of the many stories in

[1] It is amusing to read (Livy, ix. 16) that the conceit of Roman writers went so far as to declare that Papirius would have proved a worthy antagonist for Alexander the Great, if the latter had invaded Italy. [2] Livy, viii. 30.

which the Fabians appear, and among them the boastful narrative of the heroic deeds of Q. Fabius Maximus in the second Samnite war. But the Papirians would not be outdone by the Fabians. The dictator therefore, on his return to the army, likewise defeats the Samnites, lays waste their territory, even compels them to ask for peace, and graciously grants them one year's truce.

Rebellion in Latium, 323 B.C.

If at this time a truce was really concluded with the Samnites, the Romans had most probably as good reason for desiring it as their enemies, even if it be true that hitherto the fortune of war was on their side. The edifice of the Roman supremacy over Latium was still too new to be able to weather every storm. Soon after the breaking out of the Samnite wars, ominous signs of danger appeared in the immediate neighbourhood of Rome. Tusculum, which had always been so devoted, began to waver in her fidelity. Her discontent broke out into open rebellion, and this revolt spread to Privernum and Velitræ, two Latin towns whose obstinate resistance against the sovereignty of Rome had often alarmed the Romans and been quelled with difficulty. If this spirit of rebellion had extended further, the Roman power would have been endangered to its very foundations, and the war with the Samnites could not have been continued.

Cause of the rebellion.

As to the cause of the rebellion in Latium, our authorities are, as usual, silent. We may reasonably suspect that the severity of the Romans, and the numerous confiscations after the end of the war with the Latins, were the cause of the discontent which showed itself now, and even at a later time, in various ways. The Tusculans, Veliternians, and Privernatians had become subjects of Rome. They now endeavoured either to become Roman citizens or to regain their independence, and they succeeded in carrying their point. It is quite possible that there was a party in these towns which was ready to call on the Samnites for protection. Without the prospect of Samnite help Tusculum and the other Latin towns would not have dared to defy Rome. But with the

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help of the Samnites, their hostility would be very serious, and so the extraordinary circumstance is explained, that the town of Rome was alarmed one night, and the citizens prepared to defend themselves against an attack.[1] Yet the danger passed away; it is not stated how. We learn only accidentally[2] that L. Fulvius Curvus, who in this year filled the highest magistracy in Tusculum, was in the following year consul in Rome, and, more than this, that five years later—that is, at the next census—two new Roman tribes were established. Nothing is said of a forcible suppression of the revolt. It follows from this that Rome, by a wise concession, averted the threatening storm, while she received into full citizenship, on favourable terms, the whole of the rebellious Latins.[3] Whether Fulvius, who was raised to the consulship in Rome 322 B.C., belonged in the year before (323 B.C.), when he was consul in Tusculum, to the party hostile to Rome, may reasonably be doubted. The Romans were not naturally inclined to lavish generosity towards their enemies, or to overcome hatred by love.[4] Moreover it is reported by Livy that the tribune M. Flavius made a proposal to the people to punish with death or loss of freedom those Tusculans who had excited the Veliternians and Privernatians to war against Rome.[5] This equally cruel and unwise measure was indeed rejected almost unanimously; nevertheless it can hardly be imagined that the leader of the Tusculan rebellion, instead of being punished with death, should have obtained the Roman consulship as the price of his submission. It is far more likely that Fulvius was throughout well affected to Rome, and brought about the arrangement by which the

[1] Livy, viii. 37.

[2] Pliny, *Hist. Nat.*, vii. 44.

[3] The Tusculans were at this time probably admitted to the Papirian tribe, to which they afterwards belonged. Velitræ and Privernum were made parts of the two newly-formed tribes.

[4] Vitruvius Vaccus, who had headed the revolt of Privernum five years before, suffered death.

[5] Livy, viii. 37. The motion was rejected by all the tribes except the Tribus Pollia. The people of Tusculum, long after they had been received into the Tribus Papiria, remembered this vote, and seldom supported at the elections a candidate of the Tribus Pollia.

cause of discontent among a party at Tusculum was removed and the Tusculans were admitted to the full Roman franchise. The boastful Roman annalists avoid, almost on principle, making the admission that concessions were made to any enemy. They looked upon concessions as incompatible with the majesty of the republic, and thought that all opposition ought to be crushed by force of arms. But we know that the Romans were wise enough to yield, when it was necessary, and we may presume that on the present occasion they accepted a compromise which was highly salutary to all parties; that the plan of rising against Rome was entertained only by a portion of the Tusculans, Veliternians, and Privernatians, and that, after their real grievances were removed, the whole population of these towns ceased to desire separation from Rome, like the Roman plebs after their reconciliation with the patricians on the Sacred Hill.

Need of a conciliatory policy.

The necessity of a conciliatory policy towards their Latin and Campanian subjects appeared plainly in the course of the war, when fortune began to favour the Samnites, and the arm of Rome appeared to be paralysed. Even in the war of Hannibal the faith of many of the subject peoples wavered; it is therefore not to be wondered at that, a century before, those communities which were scarcely brought into subjection bore the yoke with uneasy reluctance.

Fourth campaign of the war, 322 B.C.

In the campaign of the year 322, the fourth of the war, the Roman writers boasted of a series of brilliant successes. Unfortunately they are not agreed whether these successes are to be attributed to the consuls, L. Fulvius Curvus, the Tusculan, and Q. Fabius Rullianus, the late master of the horse, or to a dictator, A. Cornelius Arvina.[1] The Samnites, it is said, humbled by repeated defeats and losses, sued for peace. But although they came to deliver up the body of their general, Brutulus Papius, who

[1] It is with reference to this divergence of opinion that Livy (viii. 40) makes the following most important remark: 'Nec facile est aut rem rei aut auctorem auctori præferre. Vitiatam memoriam funebribus laudibus reor falsisque imaginum titulis, dum familia ad se quæque famam rerum gestarum honorum-

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in despair had put an end to his own life, they were unsuccessful, because they would not unconditionally recognise the supremacy of Rome. This story, so gratifying to Roman pride, can hardly be considered sufficiently authenticated. When so many of the most important and striking events were imperfectly recorded, it is not likely that we should be informed of diplomatic transactions that led to no result. The events, moreover, which took place in the succeeding year show that the Samnites were very far indeed from being fainthearted and compelled to sue for peace.

The Caudine Pass, 321 B.C.

If other nations delight in remembering the days of national triumphs, and in celebrating the memory of victories by which they feel their strength was increased and their pride gratified, the greatness of the Roman people is shown much more by their keeping continually before their eyes the evil days when the god of battles was unfavourable to them, and by celebrating the anniversaries of their defeats, in a certain degree, as days of national humiliation. The day of the Allia and the day of Cannæ stood before the eye of the Roman in more burning colours than the day of the victory of Zama.[1] But by the side of those names there was yet a third in the list of evil days—a name which was more painful than any other to the proud Roman, because the feeling of national disgrace and humiliation could not be separated from it; it was the name of the Caudine Pass. At the Allia and at Cannæ thousands fell in open battle; at Caudium four legions agreed to purchase life and freedom by the sacrifice of military honour, and the Roman people, when they refused to ratify the agreement, covered themselves with a load of infamy, from which no sophistry could free them, even in their own conscience.

que fallenti mendacio trahunt. Inde certe et singulorum gesta et publica monumenta rerum confusa.'

[1] Curiously enough the great victory of Scipio over Hannibal, which terminated the most dangerous of all wars, did not take place at Zama, but at a place of which the locality and almost the name are unknown.

Position of the Roman army.

The two consuls of the year 321 B.C., T. Veturius and Sp. Postumius, advanced with their united armies of about 40,000 men from Campania towards the country of the Samnites, with the object of relieving the allied town of Luceria, in Apulia, which was besieged by the enemy. This important and arduous campaign, in the midst of a difficult mountain country, the centre of the hostile power, was intrusted to two men who appear to have possessed no eminent military qualities. The circumstance that a task of such difficulty was not conferred rather on Papirius or Fabius shows a great defect in the Roman constitution, which made the appointment of a commander dependent on a contested election in the assembly of the people. The division also of the command between two generals of equal rank cannot have failed here, as in many other cases, to have a bad effect, especially as it seemed that the whole strength of the Samnites was in the hands of one single and able man, C. Pontius, of Telesia. The Roman army suffered a severe check at Caudium, the chief town of the Caudinians, and found itself after the battle shut up in a narrow mountain valley, the outlets of which were all in the possession of the victorious enemy.[1] After some desperate attempts to break through, the Romans gave themselves up to despair. The obstructions and circumvallations all round them became larger and stronger, and the numbers of the victorious enemy increased. The merciless code of war which the Romans understood so well and applied so unreservedly, delivered them up, even to the last man, either to the sword or to

[1] According to the account given by Livy (ix. 1) no battle took place, but the Romans, marching carelessly into the defile, found themselves suddenly stopped in front and surrounded on all sides, and after a few fruitless attempts gave up the hope of breaking through the lines of the Samnites by force. Niebuhr (*Röm. Gesch.*, iii. 246; English translation, iii. 211) and Arnold (*Hist. of Rome*, ii. 214, note 35) have shown that this account is false, and that without any doubt the Romans did not surrender before a regular battle had taken place and they were completely defeated. If we were to adopt Livy's description of the war implicitly, we should have to believe that the Romans, in the course of the whole of it, never lost a single battle. The great difficulty in this case would be to account for the long duration of the war.

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slavery. The moment had arrived when the proud hopes of dominion over Italy had to turn into prayers for mercy and forbearance.

Conduct of the Samnite leader.

But while on the one side discouragement prevailed, the conquerors hesitated to reap the fruit of their unexpected success. It is reported that C. Pontius, the commander of the Samnites, consulted his aged father, and that the old man advised him either to annihilate the whole Roman army, or to discharge them honourably and unhurt, without any stipulation. In the first case Rome would be so crippled as to be unable to continue the war; in the second, the Roman people would be reconciled and induced to make peace. C. Pontius chose a middle course, alike removed from the barbarity of the one proposal, and from the impolitic magnanimity of the other. We would willingly believe that he shuddered at the thought of massacring many thousands of defenceless enemies, and that he hoped by proposing acceptable conditions to obtain a lasting peace. He desired, for the preservation of the Roman army, neither the subjection of Rome nor the diminution of her legitimate power. Rome and Samnium should acknowledge each other as free peoples with equal rights and privileges; only the Roman conquests and colonies on Samnite territory, including, of course, Fregellæ and Cales, should be given up.[1] These conditions were accepted by the Roman consuls, quæstors, and all the surviving military tribunes, with a solemn oath. Six hundred knights remained as hostages in the hands of the Samnites; and, with the understanding that the senate and the people should confirm the military convention, and that they would pay the price agreed upon for the discharge of the army, C. Pontius set the Roman army free.

Dismissal of the Roman army.

The discharge was effected in a manner expressive of the fact that the Romans owed their lives to the mercy of their conquerors. They were passed under the yoke.

[1] These terms included probably the abandoning of the whole of Campania and Apulia, as well as the sacrifices of the Roman allies, and were therefore hard enough.

On two spears placed upright in the ground a third was fixed so as to leave a low passage.[1] Through this the Romans had to walk man by man, after they had given up their weapons, their baggage, and even their clothes, all but one under-garment. The process was a general Italian custom,[2] and was not now invented to cover the Romans with especial disgrace. It cannot be said that, considering the rights and practices of belligerents in antiquity, it was more humiliating than a military capitulation in modern times, which deprives the soldiers of their arms, and dismisses the officers on their word of honour; but it may be presumed that Roman pride saw in it a national humiliation which was all the greater, the higher the republic just then held her head above the other nations of Italy. But this humiliation became a brand of infamy by the free and deliberate action of the Roman senate and people—a damning spot which oceans of hostile blood could not wash out, and no crown of victory could hide.

Breach of the compact with the Samnites.

We can scarcely venture to decide whether L. Pontius acted wisely in discharging the Roman army before he was certain of the confirmation of the treaty with the consuls. But the fact that he expected a confirmation proves that Rome was under a moral obligation either to fulfil the conditions of the treaty or not to accept its advantages. It is difficult to realise the feeling of right and wrong of a past age, and it is a mistake to apply to it our own standard. But that the Romans of the fourth century before Christ recognised some obligation to confirm and to keep the Caudine treaty seems tolerably certain from the anxiety with which, according to Livy, they tried to justify themselves when political calculations induced them to renounce such obligations.[3] The consul

[1] Livy, iii. 28: 'Tribus hastis iugum fit, humi fixis duabus, superque eas transversa una deligata.'

[2] Thus Cincinnatus had dismissed the Æquians under the yoke (Livy, iii. 28), and the Romans boasted that in the very next year (320 B.C.) they applied the same rule to 7,000 captured Samnites and to their general C. Pontius himself (Livy, ix. 15).

[3] Livy, ix. 11: 'Et illi quidem (the consuls) forsitan et publica, sua certe liberata fide ab Caudio in castra Romana inviolati redierunt.'

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Sp. Postumius is said to have been the first to condemn the treaty on his return to Rome, and to recommend its rejection. With evident approval, Livy relates what pains he took to prove that the promise and the oath of the consuls were not binding on the commonwealth, but only on themselves, that they could only pledge their own and not the public faith, and that the Roman people were not bound to ratify the treaty unless they approved of it; that they, the consuls and vouchers of the treaty, alone were responsible if they had done wrong and transgressed their powers, and that they were willing to assume this responsibility. They and all the officers who had sworn the oath to the Samnites should be delivered up, because they were not able to fulfil what they had promised. Even two tribunes of the people who had been at Caudium, and had joined in the transaction, should be handed over to the Samnites, in spite of the sanctity of their office and the inviolability of their persons. That this patriotic fanaticism, although capable of the highest self-sacrifice, violated the divine law, Livy, in his patriotic enthusiasm, was unable to see. It is clear that Postumius and his brother officers could not bind the senate and the people by the promise they had made in Caudium; but it is equally clear that they were bound by their promise to do what was in their power to cause the treaty to be ratified. The Roman army formed a great and important part of the assembly of the people; it might even represent the Roman people. The army in the field had on a former occasion made laws which were binding on the whole state.[1] The Samnites might, therefore, expect that each of the released Romans, from the consul down to the meanest plebeian, whether in the senate or in the assembly of the people, would use his influence to effect the ratification of the treaty. Nor could this moral obligation be set aside by the voluntary death which the consuls were willing to suffer. For death for one's father-

[1] Livy, vii. 16.

land is not the highest duty of a citizen, and in no way releases him from the eternal law of justice, which is above all considerations of political advantage.

Not with a good conscience, but according to the forms of law, the Roman senate and the people rejected the treaty of Caudium. With the sacrifice of the six hundred hostages and the delivering up of those who had concluded the treaty, Rome considered herself released from all obligation to the Samnites. The two consuls Postumius and Veturius, who immediately on their return had resigned their office, the quæstors and military tribunes, and two tribunes of the people who had pledged their word to the Samnites, were conducted by the Roman fetialis into the country of the Samnites and given up to the enemy in fetters, as an atonement for their breach of faith. It is revolting to read, what Livy with apparent approval reports, that Sp. Postumius kicked the Roman fetialis, declaring he had now become a Samnite, and, by injuring the fetialis had given the Romans cause for a righteous war against the Samnites.[1] Such fanaticism, combined with such perfidy, was rebuked as it deserved by the noble Pontius. He declined to receive the prisoners, and so to release the Roman people from their obligation. He would accept only one of two things, either peace on the terms agreed upon, or the restoration of the whole army to the position in which it was when in the power of the Samnites. 'Do you consider,' said he,[2] 'that it is right for you to enjoy the advantage of the treaty, but that we should forego the peace which we had stipulated for? Wage ye war against us! The gods will believe indeed that Postumius is a Samnite, that the Roman herald was violated by a Samnite, and that you have occasion for a righteous

Conduct of Caius Pontius.

[1] Niebuhr (*Röm. Gesch.*, iii. 258; English translation, iii. 221) speaks of this act as a farce, 'not only revolting but senseless, unless it can be explained by the supposition that a *jus exulandi* must have existed between the two peoples, by which a citizen departing from the other country might take up the franchise at pleasure.'

[2] Livy, ix. 11.

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war! Are you not ashamed of yourselves so to outrage religion, and, as old men and consulars, to seek for pretexts for your breach of faith which would scarcely be pardonable in children? Go, lictor; take the fetters off the Romans. Not one shall be detained here by us against his will.'

Alleged Roman victories.

The war therefore continued, and, as it appears, was for a number of years far from favourable to Rome, although the mendacious annalists reported brilliant successes, by which the consuls Papirius Cursor and Publilius Philo thoroughly avenged the disgrace of Caudium.[1] It was a patriotic conviction among the Romans that a great national defeat must be immediately repaired. The fables of Camillus and his victory over the Gauls after the burning of the city are matched by no less impudent fictions on the present occasion. It is related that Papirius Cursor immediately marched to Apulia at the head of a new army, and conquered Luceria, which had in the meantime fallen into the hands of the Samnites. In Luceria he found all the Roman hostages, and the lost military ensigns and arms; and as he made prisoners of the whole of the Samnite garrison he was enabled to wipe out the disgrace of Caudium, by dismissing 7,000 Samnites, and among them C. Pontius himself, under the yoke. Livy[2] confesses that the evidence for these reports is defective. The statement of the capture of C. Pontius was found only in some of the annals. There were doubts and contradictions as to whether Papirius was consul or master of the horse of the dictator L. Cornelius, and whether the success of this campaign was to be attributed to the dictator Cornelius or to the consul Papirius.[3] Livy is also unable to decide whether in the following year L. Papirius Cursor or L. Papirius Mugillanus was chosen as consul.

[1] See Niebuhr, *Röm. Gesch.*, iii. 260; English translation, iii. 223.

[2] Livy, ix. 15.

[3] The probability is that the consulship of Papirius Cursor and Publilius Philo, as well as the capture of Luceria, belong to the year 315 (see below, p. 410), and not to the year 320 at all. In the year 320 there were perhaps only dictators. It is evident that doubts of this kind could not have arisen if accurate official lists of the magistrates had been kept.

Fictitious accounts of the campaign of 320 B.C.

It would be a vain attempt to clear up the confusion and the contradictions of the Roman reports. But it is apparent that even in those points where they do not exactly contradict one another, they deserve but little credence. Such a bold and successful campaign to Apulia as that which is reported of Papirius Cursor, is in itself hardly probable after the great losses which attended the same attempt in the previous year. There was a battle fought, as we have seen, at Caudium and lost by the Romans. A great part of the army was destroyed; six hundred knights, that is the horse of two legions, were in captivity; the victory of Caudium was a great encouragement for the Samnites, gaining friends for them and awakening the discontent of many Roman subjects. Luceria, the most important town of Apulia, had fallen into the hands of the Samnites, and consequently a campaign in that part was much more serious than at a time when that town, being in the possession of their allies, could serve as a support for the operations of the Romans. These considerations made it certainly not advisable for the Romans to venture on a new march to Apulia, however they might wish to assist their hard-pressed friends in that country. They were obliged to employ all their strength to secure their hold on Latium and Campania. It was not before the year 315 B.C. that Luceria fell again into their power, and in order to bring this fact into harmony with the alleged conquest of Luceria by Papirius Cursor in 320 B.C., the annalists assumed that this town in the meantime had revolted to the Samnites.[1] Lastly, it is hardly probable that the Samnites brought the trophies and hostages of Caudium into a conquered town, in an enemy's country, instead of preserving them in a fortified place in their own land. From all these reflections the conclusion is forced upon us that the successes of the year 320 B.C., the conquest of Luceria, the recovery of the hostages, banners, and arms, and, lastly, the

[1] Livy, viii. 26.

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capture and discharge under the yoke of 7,000 Samnites, and of C. Pontius, belong one and all to the domain of fiction.

Effects of the defeat at Caudium.

The defeat at Caudium showed very clearly that the power of Rome over the newly acquired districts, and even over Latium, was by no means quite secure; and when we consider that only three years had elapsed since Tusculum, Privernum, and Velitræ were in open rebellion,[1] this is not to be wondered at. First of all, Satricum, an old Latin town and Roman colony, rebelled and received a Samnite garrison. Such a revolt of a colony is to be regarded as a successful rising of the original subject population against the Roman colonists, in consequence of which the latter were either killed or driven out. For that the Roman colonists themselves, as it is generally represented, should have endeavoured to shake off the Roman dominion is quite incredible. These Roman colonists were in the possession of lands which had been taken from the natives; they lived and prospered at the expense of the subject population, and formed the ruling class. No doubt they gave sufficient cause for discontent and hatred to those whom they were sent to control. The frequent reports of revolts of colonies are therefore easily explained at a time when the Roman power began to totter, and when the conquered population had a prospect of regaining their independence.[2] But before the example of Satricum could be imitated, the Romans had taken possession of the town by treachery, had driven away the Samnite garrison, and had punished the leaders of the rebellion with the utmost severity. The fire in their own house was extinguished before it could spread. The rest of Latium remained quiet. The grant of Roman citizenship to the subjects in southern Latium and Campania, where now (318 B.C.) two new tribes (the Ufentina

[1] See p. 391.

[2] The revolt of the colony of Sora, mentioned by Livy (ix. 23), perhaps belongs to this period; perhaps to the year 315 B.C., as seems to result from Diodorus, xix. 72. See below, p. 406, note 4.

and Falerina) were formed, was not without a beneficial effect.[1] Thus internally strengthened, Rome could encounter with more confidence the vicissitudes of war.

Conquest of Fregellæ by the Samnites, 320 B.C.

The Samnites had made use of their triumph at Caudium to conquer the Roman colony of Fregellæ on the Liris, whose foundation had been the principal cause of the war. Fregellæ lay on one of the two direct lines of communication between Rome and Campania, on the so-called Via Latina, which led on the east side of the Albanian mountains and the Volscian highlands through Præneste into the country of the Hernicans, the valley of the Trerus and that of the Liris; while the other road, afterwards so celebrated under the name of the Appian Way, stretched southwards along the Latin plain and kept near the sea. All the fortified places on both these lines were of the greatest importance for the Romans, because on their holding possession of these their secure communication with Campania depended. By the loss of Fregellæ one of these lines of communication was now interrupted, and the Romans had to make the utmost efforts to keep the other open, unless they were prepared to abandon Campania altogether.[2]

Samnite operations in Apulia.

While the Samnites thus endeavoured to reap the fruits of their victory in the direction of Latium and Campania, where, among the newly conquered subjects and the discontented allies of the Romans, they hoped to find friends, they at the same time did not lose sight of Apulia. The town of Luceria, whose distress had enticed the Romans into the pass of Caudium, fell, as we have already noticed, into their hands soon after the Caudine catastrophe, and paid dearly no doubt for her attachment to Rome. This attachment, as we have seen, was the natural and necessary policy of the Apulian towns, which had perhaps even

[1] This measure was probably resolved on in 323 B.C., for the purpose of making a concession to the discontented people of Tusculum, Privernum, and Velitræ (see above, p. 393). It is, of course, to be presumed that in such a case as this the conferring of the Roman franchise was accompanied not by confiscations but by a confirmation of existing tenures of land.

[2] Livy, ix. 12.

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more to suffer from the Samnites than the Sidicinians and Campanians on the western boundary. In order to protect their own independence, they had joined the enemies of the Samnites; for them the defeat of the latter was of even greater importance than for the Romans. Accordingly we see that, in spite of the battle of Caudium, and in spite of the loss of Luceria, many Apulian towns joined the Romans, such as Canusium, the Apulian Teanum, and the Frentanians.[1] According to the boastful accounts of the Roman annalists, who could hardly relate alliances without premising victories,[2] the various communities in Apulia, which now sought the Roman friendship, were first subdued.[3] It is hardly necessary to remark that these victories are in the highest degree improbable, if we bear in mind that Luceria, the principal place in Apulia, was still in the possession of the Samnites, as also was the important town of Fregellæ, on the western theatre of war, and that everywhere in the towns of Campania, and in the Ausonian country, the adherents of the Samnites plucked up courage, and made it more and more difficult for the Romans to maintain their position.

Misrepresentations of Roman historians.

Under such circumstances, it is surprising when we read in Livy[4] that the Samnites sent ambassadors to Rome to ask the senate, on their knees, to renew the alliance of friendship between them; that the senate magnanimously granted their request, but that the people would only consent to a two years' truce. Circumstances

[1] The Frentani conquered by the consul Aulius (Livy, ix. 16) are probably the same as the people of Forentum conquered by C. Junius (Livy, ix. 20). The Teanenses and the Teates (Livy, ix. 20, §§ 4, 7) are in like manner one people. The different spelling of the name in different annals made Livy (who was profoundly ignorant of Italian geography) think that there were two distinct peoples. [2] See p. 155.

[3] Livy, ix. 16: 'Aulius cum Frentanis uno secundo prœlio debellavit, urbemque ipsam obsidibus imperatis in deditionem accepit.' Livy, ix. 20: 'Et ex Apulia Teanenses Canusinique populationibus fessi, obsidibus L. Plautio consuli datis, in deditionem venerunt.' 'Teates fœdus petitum venerunt . . . impetravere ut fœdus daretur, neque tamen ut æquo fœdere, sed ut in ditione populi Romani essent. Apulia perdomita (nam Forento quoque valido oppido Junius potitus erat) in Lucanos perrectum.'

[4] Livy, ix. 20.

must have wonderfully changed in favour of the Romans since the misfortune at Caudium, if the Samnites had now to implore for peace. At that time C. Pontius had stipulated for the evacuation of the places occupied by the Romans, of Fregellæ and Luceria. Now these places had fallen into the hands of the Samnites by the fortune of war, and Rome was with difficulty struggling to preserve the remainder of her possessions and her influence in the neighbouring states. It would have been a proof of the greatest pusillanimity had the Samnites wished now to give up the war, and how could they be suppliants for peace without renouncing all their conquests? No allusion is made to a surrender of Fregellæ. It appears that the whole story of the embassy for peace, at least in the colouring which Livy gives it, is a fiction. Moreover the truce of two years is very doubtful, and owes its existence, perhaps, only to the poverty of the annals, as there were no materials found to fill up the blank. We need not suppose that a formal truce was made, in order to understand that the war ceased for a time. The wars of that period were not acute maladies, which, in rapid development, led either to recovery or death. They were chronic evils, to which men became accustomed, often interrupted by long pauses, when weariness or accidental circumstances caused a relaxation of warlike activity. This seems to have been the case at that time. The Romans as well as the Samnites avoided for a time a direct collision, and confined themselves to defensive operations and to smaller enterprises, to inducing the allies of the opposite party to desert, and to arranging their internal affairs.

Capua made a Roman prefecture.

After the disaster of Caudium, the Romans had abandoned the plan of penetrating into Samnium. On their own side they were tolerably safe from any attacks of the enemy on Rome, as long as the country around showed itself faithful and devoted. They had therefore leisure left them for a political reform. Capua, which had retained its own municipal constitution and internal self-government, was now made a Roman prefecture, a prefect being

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sent there from Rome to decide all law-suits in which the numerous Roman citizens settled in Capua were concerned.[1] Such a measure was clearly favourable to the Roman element among the population; and even if the new arrangement was not used to the prejudice of the natives, it was a sign that they were no longer what they had been, a free and independent people. But if, under the protection of the Roman law and the Roman prefect, the Roman settlers and tradesmen in Capua pursued their own advantages beyond just bounds, as the Romans were only too apt to do in subject countries, a strong opposition against the Roman supremacy in Capua could not fail to spring up. We shall find that this was actually the case soon after.

The colony of Antium.

A second measure of a similar kind was a new organisation of the colony of Antium. This colony had been founded in the year 338 B.C., as a colony of Roman citizens.[2] The number of colonists was only three hundred. The legal relation between the native Volscian population and the Roman citizens had probably been not very favourable to the former, and must have led to discontent, which at the present conjuncture was very serious. A commission therefore was appointed by the senate[3] to regulate afresh the organisation of the colony, and, as we may presume, to grant concessions to the legitimate wishes of the subject population.

Further successes of the Samnites.

After the comparative rest which, according to Livy's account, was the consequence of an armistice asked for by the Samnites and granted by the Romans, the war was renewed by both belligerents in Campania. The Samnites gained possession of several towns,[4] either by force or by agreement with the inhabitants. We may presume that in every community there was a Roman and a Samnite

[1] Livy, ix. 20.

[2] See above, p. 368, note 2.

[3] Livy, ix. 20: 'Patroni ad statuenda iura ipsius coloniæ.'

[4] Diodorus (xix. 65) mentions Nuceria as having joined the Samnites in the year 316 B.C. Plistia was taken 315 B.C. (Livy, ix. 22). Nola, Atella, and Calatia, which were re-conquered in 313 B.C. (Livy, ix. 28), were perhaps lost at this period; likewise Sora in the territory of the Volscians on the Upper Liris. See above, p. 402. Livy, ix. 23. Diodorus, xix. 72.

party, and that when a town is reported to have joined either the one or the other nation, an internal struggle and a revolution had taken place, by which either the aristocratic, *i.e.* the Roman,[1] or the democratic, *i.e.* the Samnite, party got the upper hand. By means of their partisans the Samnites hoped now to obtain possession also of Capua, Ausona, Minturnæ, and Vescia. Fear alone restrained these allies of the Romans from open rebellion, and they did not dare to declare themselves without restraint so long as Rome seemed strong enough to punish them.

Campaign of 315 B.C.

Under these circumstances we might imagine that Rome required her whole strength to defend the menaced towns and to intimidate those who were wavering in their faith. But in the year 315 B.C.,[2] when the two most eminent men of the state, L. Papirius Cursor and Q. Publilius Philo were consuls, we are surprised to read in Livy[3] that the consuls (whose names he does not mention) remained in Rome, while an army under the dictator Q. Fabius Maximus besieged, and at last reduced, the small town of Saticula in Campania. In the same year the Samnites penetrated in great force into Campania, which they compelled the dictator to evacuate. He retired by the only road still open to the Romans, which led to Latium, past the town of Lautulæ, between the sea and the hills. It is probable that during these critical events the two consuls were by no means idle in Rome, but that they attacked the Samnites in Apulia, as the Samnites attacked the Romans in Campania. At this time Luceria fell, it is said, 'for the second[4] time' into the power of the Romans.[5] Now, if the alleged conquest of Luceria immediately after the Caudine disaster is an invention, we may assume that the real conquest took place in the year 315 B.C.; that in this year the consuls Papirius and Publilius made the march into Apulia, which was erroneously placed in the year 320 B.C.;[6] and that, on

[1] Livy, ix. 25.
[2] According to Diodorus, xix. 66.
[3] Livy, ix. 22.
[4] See p. 400.
[5] See Niebuhr, *Röm. Gesch.*, iii. 267; English translation, iii. 233.
[6] Ibid. iii. 272; English translation, iii. 239.

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account of their absence, a dictator was appointed to make head against the Samnites in Campania. Both nations seemed more intent on attack than defence, each aimed at the heart of the other, like the Romans and Carthaginians at a later period. Such a plan of war was sure to lead the Romans to victory, because their power was soundest and strongest in Latium and the immediate vicinity of the capital. But it was not unattended with serious danger; for if the fortune of war should decide against them, a defeat in the neighbourhood of Rome would be more ruinous to their authority over their allies and subjects than a disaster at a distance. Now, as the flower of the Roman army was far away with the consuls in Apulia, the dictator Q. Fabius had only a reserve army to oppose to the sudden advance of the Samnites. Livy has given himself much trouble to place the campaign of Fabius in the most favourable light. He makes Fabius twice defeat the Samnites,[1] but what was the principal event of the campaign he cannot conceal, and, even if we had not the testimony of Diodorus,[2] it would be clear from Livy himself that the Romans suffered a signal defeat at Lautulæ.[3]

[1] Livy, ix. 22, 23. [2] Diodorus, xix. 72.

[3] It is worth while to examine more accurately the statements which have reference to the battle of Lautulæ, as they are characteristic of the mendacious partiality of the Roman writers and of Livy in particular. When the Romans, says Livy (ix. 23), were on their march from Apulia and Samnium to the revolted Sora, they were closely followed by the Samnites. Fabius now turned against them ('obviam itum hosti'), and an indecisive battle was fought at Lautulæ ('ad Lautulas ancipiti prœlio dimicatum est; non cædes, non fuga alterius partis, sed nox incertos, victi victoresne essent, diremit'). On this narrative we have to remark:—1. The army of the dictator Fabius, which fought the battle of Lautulæ, had not been in Apulia or Samnium, but, according to Livy himself (ix. 22), in Campania, where it had taken Saticula and defeated the Samnites. 2. The road from Apulia or Samnium to Sora did not pass by Lautulæ, nor near it. 3. If, after a battle near Saticula, Fabius marched in the direction of Lautulæ, he must have lost, not won, the battle, for Lautulæ lay on the straight road to Rome. Whatever may have been the issue of the battle of Saticula, it is certain that the battle of Lautulæ was not undecided, as Livy says, but a great victory of the Samnites. This is the unvarnished statement of Diodorus (xix. 72), and though Livy wishes to deny it, he confesses that some writers admitted a Roman defeat (ix. 23: 'Invenio

Yet the victory of the Samnites does not seem to have had the important results which might naturally have been expected, considering the situation of Lautulæ in the narrowest place of the only road to Campania which was open to the Romans after the loss of Fregellæ. If the Samnites had profited by their victory, Campania would have been lost to the Romans, and Latium most seriously threatened. But although everything looked favourable for the Samnites, although several towns dependent on Rome openly rebelled or inclined to rebellion, we still see that, directly after the battle of Lautulæ, the war took a turn so favourable for Rome that from this time forward her superiority becomes more and more evident. Whether it was only want of ability in the Samnite generals which hindered them from advancing after Lautulæ, or whether the two consuls of the year 315 B.C., Papirius and Publilius—who, as we supposed, conducted the war in Apulia and regained Luceria—compelled the Samnites to return for the defence of their own country, must remain undecided. At any rate the period now following is marked by a series of successes for Rome, which above all things fully secured to them the possession of Campania.

Results of the Samnite victory at Lautulæ.

First of all, the threatened rebellion of Capua was averted by energetic measures. Since the time when Capua, in the first Samnite war, had joined Rome under the influence of the nobility, it had enjoyed entire self-government for internal affairs. A great number of Romans had settled in many districts of Campania, especially in Capua. The nobles of Capua had received the right of Roman citizenship. The number of Roman citizens was so large that from the year 318 B.C. a prefect was sent from Rome to administer Roman law in that place. Whether the mass of the people in Capua felt comfortable under the new system, we may reasonably doubt. Their burthens had no doubt very much increased,

Threatened rebellion in Capua.

apud quosdam adversam eam pugnam Romanis fuisse') and in the course of his narrative he proceeds upon the assumption that the battle was unfavourable to Rome (see especially, ix. 23, 25).

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since Rome had confiscated the public land, and had indemnified the nobility of Capua for its loss by commanding that each of the 1,600 knights should receive an annual payment of 450 denarii from the public treasury. By this measure the nobility of Capua were firmly united to the Roman interests, and the hopes of the oppressed nation would of necessity turn from Rome to the Samnites. It is not necessary to assume an exceptional oppression of the Capuans by the Roman officers or settlers in order to understand that every military success of the Samnites must have endangered the possession of Capua.

Suppression of the conspiracy, 314 B.C.

On the intelligence of the agitation prevailing in Capua,[1] and of the contemplated rebellion, a dictator was immediately named to conduct the inquiry into the intended treason, whereupon the two heads of the conspiracy Ovius and Novius Calavius committed suicide. The case of the malcontents was therefore hopeless and the conspiracy was crushed. But the inquiry continued notwithstanding, and it appeared that Roman citizens, and even some of the first men of the republic, were implicated. It is clear that these men could not be charged with the design of trying to deliver Capua over to the enemies of the republic. No Roman could be capable of such treason to his country. It seems that the intended rebellion of Capua led to accusations and recriminations among the old patrician and the new plebeian nobles, each party charging the other with having caused the danger of a revolt in Capua. Such disputes arise wherever strong political parties differ about the government of dependent countries. If we remember how opposed the two great parties in England always were on such questions as the treatment of Ireland or the American plantations, we can easily understand that something similar might happen in Rome with regard to Capua.[2] The accounts are unfortunately very imperfect, but only intelligible in the light here indicated. The

[1] Livy, ix. 26.

[2] According to Livy (ix. 26) charges were brought against individuals for

inquiry led to nothing. After the danger had been removed by the suicide of the two Capuan patriots, the two parties of the Roman nobility indulged in mutual accusations. The old nobility proceeded from the defence to the attack. Even the dictator, C. Mænius, who had been named to conduct the inquiry, was obliged to clear himself of charges brought against him; Publilius Philo, no doubt the first man of the liberal party, was in the same situation. But, as a really treasonable act could not be proved against any one, the inquiry was by degrees dropped, especially as it had lost its immediate importance by the restoration of Roman supremacy in Capua.

General massacre of the Ausonians, 314 B.C.

The rapid suppression of the intended revolt in Capua was rendered possible by the great energy with which in the meantime the Romans had acted elsewhere.[1] While Capua was wavering in its fidelity, other dependent towns had shown a leaning towards the Samnite cause. In the lower valley of the Liris, in that district which forms the connecting link between Campania proper and Latium, there dwelt a tribe of the Volscians, the Ausonians or Auruncans. The towns of Ausona, Minturnæ, and Vescia seemed inclined to maintain their independence and neutrality. By a conspiracy of the aristocratic party,[2] these towns were betrayed into the hands of the Romans, and fearfully punished for having dared to waver in their allegiance to Rome. The inhabitants were all massacred, and, as Livy says, the race of the Ausonians exterminated.[3] It was a warning to all the subject and allied towns of

'coitiones honorum adipiscendorum causa factas,' *i.e.* combinations for influencing the elections. What such electioneering tricks had to do with the discontent or the rebellion of the people of Capua is not apparent at first sight. Perhaps the liberal party promised to the Capuans who were Roman citizens and, either as voters or otherwise, had influence in Rome, to redress their grievances, if they would support certain candidates. We know, however, too little of the whole transaction to be able to arrive at any satisfactory conclusion.

[1] Livy, ix. 27.

[2] Livy, ix. 25: 'Principes iuventutis duodecim numero in proditionem urbium suarum coniurati ad consules veniunt.'

[3] Livy, ix. 25: 'Nullus modus cædibus fuit deletaque Ausonum gens vix certo defectionis crimine perinde ac si internecivo bello certasset.'

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Recovery of Sora and Fregellæ.

what they had to expect if they should allow their fidelity to be even suspected.

About the same time, or shortly before, the colony of Sora likewise fell into the power of the Romans. The inhabitants of the town, who had betrayed the Roman colonists to the Samnites, now underwent their punishment. They were led to Rome, scourged and beheaded in the Forum, as Livy[1] says, to the great delight of the people, to whom it was very important that Roman citizens sent out as colonists should be safe. More important than the recovery of Sora was that of Fregellæ,[2] which commanded the upper line of road, the Via Latina, from Rome to Campania. Thus, in spite of the defeat at Lautulæ, the communication with Campania was perfectly restored, and several places, such as Atina and Calatia, which had been lost after the Caudine disaster, were now recovered. The important town of Nola was also taken.[3] The whole of Campania was now again in the possession of the Romans, and, in order to secure this possession for the future, colonies were established in several places. The colony of Cales, not far from Capua, had in all storms and dangers proved itself a mainstay of the Roman power in Campania, and had contributed a great deal to limit the successes of the Samnites, and to render possible the recovery of what had been lost. Rome now strengthened her position in those parts by colonies in Suessa Aurunca, in Saticula, and Interamna. Even a maritime colony was established on one of the islands of Pontiæ[4] intended to protect the Latin and Campanian coasts. Two years later the first appointment was made of two commanders of the fleet (*duumviri navales*), from which it appears that the Romans now proposed to extend their dominion also over the waters of the Tyrrhenian Sea.

[1] Livy, ix. 24. [2] Livy, ix. 28.

[3] Livy (ix. 28) cannot decide whether Nola was taken by the dictator Pœtelius or the consul Junius.

[4] Liv. ibid. Niebuhr, *Röm. Gesch.*, iii. 278; English translation, iii. 238.

Rome displayed equal energy on the eastern theatre of war in Apulia. After Luceria had been taken, a colony or rather garrison of 2,500 men was sent thither. Thus the Samnites were on each side more and more hemmed in by Roman colonies. These colonies marked the growth of Roman dominion, as the rings mark the annual growth of a tree. The colonies of the Greeks arose accidentally, without a certain plan and object, generally in consequence of civil disputes or under the pressure of distress. As soon as they were established, they formed themselves into independent communities. The Roman colonies remained, like the children of the family, under the paternal power, and, in the first place, served not their own interests, but the interests of the parent state, of which they were and remained members. Their principal object was the establishment of Roman power. Every colony was a fortress intended to protect the boundary and to keep subjects in their allegiance to Rome. Their establishment therefore was not left to chance or to the free decision of individuals. It was determined by decree of the senate and by a vote of the people, when and where a colony should be sent out, what amount of territory should be devoted to it, and how many colonists should be dispatched. The participation in such an expedition was therefore by no means always a coveted advantage, but in many instances a burthensome and dangerous service rendered by the citizen to the state. For the colonists marched out as a garrison into a conquered town, and found themselves mostly in the midst of a hostile population, exposed to the first attacks of every enemy. The reward for this troublesome service was very sparing, and, even in the times of the ancient simplicity, but few men could be tempted to join voluntarily in the establishment of a colony. The lands which were taken from the conquered inhabitants of a colony were parcelled out in lots of a few jugera to the Roman colonists. This pittance, and the right of using the common pasture, was all for which the Roman settler left his country with his family and devoted himself to

Contrast between Greek and Roman colonisation.

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life-long military service. For he was obliged not only to defend the new colony, but he was also obliged to serve in the Roman army. He retained the full Roman franchise, if he went out as a member of a regular colony of Roman citizens (*colonia civium Romanorum*), which after the war with the Latins were limited to maritime towns, or he became a Latin by joining in a Latin colony. It was chiefly by these that Rome secured her dominion in Italy. In the wars of Hannibal there existed thirty Latin colonies, twelve of which began to waver in their fidelity, driven to despair by the burdens and losses of the war. In the second Samnite war the colonising policy of the Romans was first pursued with great energy, and to this in a great measure they owed the durability of their conquests. In the art of siege the Samnites were not more advanced than the Romans. A fortified place, which was not taken by surprise or by treason, could baffle the efforts of the largest army; the chain of colonies therefore which was drawn around Latium, Campania, and Apulia made it possible for the Romans to confine themselves at any time to the defensive, and either to prosecute the war energetically or to make a pause, as they pleased. They did not yet aim at the conquest of Samnium. The prize in the second Samnite war was Campania, as in the first Punic war it was Sicily. As soon, therefore, as the possession of Campania seemed secure, the war had no further object, and Rome could occupy herself with further plans for the extension of her dominion.

Condition of the Etruscan towns.

During all the long years of their wars with the Latins and the Samnites, the Romans had remained unmolested by the Etruscans. Sutrium and Nepete, the two border towns, colonised and fortified after the conquest of the territory of Veii, covered the frontier as far as the Ciminian mountains. Cære and Falerii, lying south of this frontier wall, could not maintain their freedom after the fall of Veii, and soon became dependent on Rome. The towns of central and northern Etruria seem to have enjoyed comparative peace and prosperity, even after

the splendour and strength of the nation had declined, and it had been compelled to yield on every side to the encroachments of foreign powers. Still Etruria proper was of all the districts of Italy the richest in large, flourishing, industrious towns, among which Volsinii, Arretium, Perusia, and Cortona were conspicuous. But these separate states, although, as it is reported, enjoying a federal union, seem never to have united for vigorous common action. Special leagues were formed among single towns for special purposes, but the strength of the whole nation was never combined to ward off a common danger.

Renewal of war between the Romans and Etruscans, 311 B.C.

A peace of forty years had been concluded in the year 351 B.C. between Rome and Tarquinii. With surprising conscientiousness this peace seems to have been observed on both sides. The greatest dangers and troubles which Rome passed through at the time of the revolt of the Latins, and after the catastrophe of Caudium, were no inducement to the Etruscans to renew the war. Only towards the time when the forty years' peace was drawing to a close, there appear traces of renewed hostilities, and in the year 311 B.C. the war really breaks out. The cause of this is, as usual with Roman writers, put down to the fault of the Etruscans; but it is difficult to believe that, if they had wished for war, they would have waited for the time when the Romans could oppose them vigorously. The war turned on the possession of the colony of Sutrium. All the towns of Etruria, with the exception of Arretium, had, it is reported,[1] united to attack this strong fort, established for the defence of the Roman boundary. A Roman army that had marched out under the consul Æmilius Barbula, to deliver Sutrium, suffered a reverse.[2]

[1] Livy, ix. 32. Livy's expression is exaggerated in the usual manner (see above, p. 98, note 2), for when peace was concluded, only the towns of Perusia, Cortona, and Arretium are mentioned (Livy, ix. 37; Diodorus, xx. 35).

[2] Livy (ix. 32) takes great pains to conceal the losses of the Romans and to give a favourable colouring to the engagement. Nevertheless it is not difficult to see that in reality the Romans were worsted. This appears, moreover, as Niebuhr (*Röm. Gesch.*, iii. 325; English translation, iii. 278) justly remarks, from the manner in which the next campaign was opened.

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It was now evident that the Etruscan war must be carried on with all possible energy, as it was not likely that the Samnites would fail to make use of the opportunity which the division of the Roman forces offered to them.

Annals of the Fabian house.

Livy's account of the Etruscan wars is one of the most striking illustrations of the manner in which the simple and meagre traditions of the earlier period were worked up by successive writers into long narratives, full of rhetorical ornament, audacious fiction, repetitions and exaggerations. We are able, from internal evidence, to declare that by far the greater part of the vaunted exploits of Q. Fabius Maximus is an invention or an agglomeration of successive inventions, derived probably from the family traditions of the Fabian house. The Fabians seem, on the whole, to have made free use of the several Etruscan wars for the glorification of their family. The Fabian settlement on the Cremera in the year 479 B.C. is represented as an heroic deed undertaken by this family alone for the whole Roman nation.[1] A suspicious similarity appears between the massacre of the three hundred and six Fabians on the Cremera and the story of the consulship of C. Fabius in the year 358 B.C., when three hundred and seven Romans were made prisoners by the Tarquinians and slain.[2] Two years later a Fabius, the consul M. Fabius Ambustus, avenged this disgrace by a brilliant victory over the Tarquinians and Faliscans, on which occasion the fanciful story makes the Etruscan priests rush into battle armed with torches and snakes, to inspire their countrymen with courage.

Story of Fabius and the Ciminian wood.

Many of these stories of the Fabian annals contain elements for a poetical treatment of history, such as was undertaken at a later period by Nævius and Ennius. More especially do we recognise these features in all that is related of the deeds of Q. Fabius Maximus. He defeats the Etruscans, who besiege Sutrium, in a great battle, takes

[1] Livy, ii. 48: 'Velut familiare bellum Fabiorum.'

[2] See above, pp. 173, 298.

thirty-eight standards from them, and captures their camp. He then pursues them across the Ciminian mountains into central Etruria.[1] The Ciminian mountains, a line of hills of moderate elevation, now called the mountains of Viterbo, formed the northern frontier of Roman Etruria. They are represented as a terrible pathless wilderness, through which even merchants never attempted to pass.[2] When the senate hears of the intention of Fabius to venture with his army[3] into these mountains, they are thrown into consternation, and immediately dispatch messengers to the consul to dissuade him from so dangerous an undertaking. But it is too late. Fabius has already crossed the mountains when the ambassadors arrive. He was pursuing the defeated Etruscans, having sent his baggage on before him secretly by night, and followed with the legions, bringing up the rear with his horse.[4] Thus, early on the second morning he reached the ridge of the mountains where the luxuriant plains of central Etruria lay stretched before his eyes. But Fabius had not entered on this hazardous enterprise without preparations before he started. He had sent his brother to explore the country. This brother had been brought up in Cære, and understood the language of the Etruscans. A slave, who, as foster brother, had been educated with him, accompanied him. Disguised as shepherds, the two spies threaded their way across the

[1] Livy, ix. 36.

[2] Livy, ix. 36: 'Silva erat Ciminia magis tum invia atque horrenda, quam nuper fuere Germanici saltus, nulli ad eam diem ne mercatorum quidem adita.'

[3] If the Ciminian range was so impassable, how did Livy and his informants fancy that the Etruscans of Tarquinii reached Sutrium?—See Niebuhr, *Röm. Gesch.*, iii. 327; English translation, iii. 279.

[4] The absurdity and self-contradiction of this narrative are so striking that we wonder how they escaped Livy. He had said (chap. xxxv.) that the Etruscans were defeated and retired into the Ciminian mountains. Now he relates that Fabius left them behind when he marched across the mountains, and he left them behind, not as a beaten and discomfited army, but in such a condition that he found it necessary to deceive them as to his movements, by keeping his cavalry in his rear and making them believe that he was going to remain in his camp. Besides, the description of the pathless Ciminian mountains is hardly in keeping with the dispatch of the heavy baggage in advance of the army.—See Niebuhr, *Röm. Gesch.*, iii. 327; English translation, iii. 279.

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pathless mountains, carefully confining their questions to what was most necessary, so that they might not betray themselves as foreigners; but they found that they were hardly suspected, as no one could conceive it possible that a stranger would venture through the Ciminian forest. They penetrated as far as Umbria where the Camertines declared themselves ready to receive the Roman army as friends, if it came into their neighbourhood. After Fabius had crossed the mountains with his army, he laid waste and plundered the rich country round about. The consequence was that 'an Etruscan army larger than ever before' assembled near Sutrium, was surprised by the Romans, and defeated with a loss of 60,000 men. How in the end Fabius appears again before Sutrium, south of the Ciminian forest, remains a mystery. What could have been the use of his celebrated march into the interior of Etruria if he had not even drawn away the enemy from the siege of Sutrium? What is improbable in this representation is avoided in other annals,[1] which, as Livy reports, placed the victory of Fabius, not near Sutrium, but north of the Ciminian forest, at Perusia. The victory was decisive, as Livy imagines, wherever it may have been won, for it induced the towns of Perusia, Cortona, and Arretium to conclude a treaty of peace with Rome for thirty years.[2]

Fabius and Papirius Cursor.

The greatness of Q. Fabius is not displayed in his military exploits only. To the victory over his enemies he added the yet more glorious victory over himself. While he was overthrowing the Etruscans, his colleague Marcius was hard pressed by the Samnites. A second disaster like that at Caudium seemed impending. Only a dictator could inspire new hopes, and one man only, the old and tried Papirius Cursor, was worthy of the general confidence. But by which consul should Papirius be appointed dictator? Marcius was surrounded by his

[1] Also Diodorus, xx.-35.

[2] Another contradiction, as Arretium (Livy, ix. 32) had not joined the Etruscan league against Rome.

enemies, wounded, perhaps dead, and the other consul was Fabius Maximus, the irreconcilable enemy of Papirius, who, in his dictatorship, had, from jealousy and envy, sought his life, under the pretext of vindicating military discipline, and had with difficulty been prevented from shedding the blood of his rival. In spite of this, the senate sent messengers to Fabius with the request that by virtue of his office he should appoint Papirius Cursor as dictator. Silently and with gloomy looks Fabius listened to the embassy. The hatred of his enemy was struggling in him against the love of his country. But in the stillness of the night he rose, as was customary on the appointment of a dictator, and conferred on his worst enemy, Papirius Cursor, the highest office of the state, making himself thereby his subordinate. Then, without adding one word, he dismissed the ambassadors, unmoved by their praises or their thanks for the sacrifice he had made of his private feelings.

Triumphs of Papirius and Fabius.

The campaign of Papirius Cursor against the Samnites was the last led by the old hero. He took the command of the army which had been formed for the defence of the city when the march of Fabius into the interior of Etruria had terrified the senate. With this army he delivered the consul Marcius from his dangerous situation, and defeated the Samnites in a great battle. He celebrated a splendid triumph. It was remembered that a number of gilt and silver shields, which in later times decorated the Roman Forum on festive occasions, were first seen in Rome in the triumphal procession of Papirius, who had taken them as spoils of war from a chosen band of the Samnites.

But the triumph which Q. Fabius celebrated was still more brilliant[1] and more highly deserved. His campaigns had been one unbroken success. After his victory at Sutrium he defeated the Umbrians; then he gained a glorious triumph at the Vadimonian Lake over an army of Etruscans 'such as had never before been opposed to the Romans;'[2]

[1] Livy, ix. 40: 'Præstantiore quam dictator victoria triumphans.'

[2] Livy, ix. 39: 'Ad Vadimonis lacum Etrusci quantis numquam alias ante simul copiis simul animis dimicarunt.' This assertion sounds strange after the

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and lastly, Livy mentions another victory of Fabius at Perusia. The town receives a Roman garrison, and a truce is magnanimously granted to the Etruscans by the senate. This terminates the Etruscan war, which is in reality only a series of heroic deeds done by Fabius. In the following year peace is concluded for forty years. The result is that all remains as it was before. The Roman dominion is not extended, no new colony established in Etruria, no Etruscan town becomes dependent on Rome. Thus all the great victories of Fabius Maximus, if measured by this result, dwindle down to a successful predatory invasion of Etruria which sufficed to make the Etruscans desist from all further molestation of the Roman frontier districts.[1]

Uncertainty of the history.

Where the principal parts of history are so much distorted and uncertain, we cannot expect to find chronological accuracy. Our authorities are not agreed whether the dictatorship of Papirius Cursor fell in the consulship of Q. Fabius, 310 B.C., or whether (which would be very surprising) it filled the year after the expiration of the consulship of Fabius and Marcius, *i.e.* the year 309 B.C. In the latter case, which is supported by the Capitoline Fasti, Fabius would have fought his three last battles, that with the Umbrians and the two on the Vadimonian Lake and at Perusia, with the Etruscans, as proconsul; in the former, which Livy seems more inclined to adopt, the march of Fabius over the Ciminian mountains, his invasion of Etruria, the conclusion of the forty years' truce with the Etruscan towns, the breach of the truce, and the renewed war and second conquest—in short, the five or six battles—would all have taken place in one year together with the triumph of Fabius. This is rather too great a tax on our powers of belief. The sheer

report (Livy, ix. 37) that the three principal Etruscan towns, Perusia, Cortona, and Arretium, had just made peace with Rome. There is not even method in the lies invented by the patriotic writers.

[1] The account of Diodorus (xx. 35) is much simpler than that of Livy. He records only two victories won by Fabius, one at Sutrium and another at Perusia. The author whom he followed was evidently more moderate in his inventions than his successors.

impossibility of compressing into so short a time such a succession of exploits leads to the conclusion that we have here come upon a set of the most impudent and foolish fictions, which had, indeed, a substratum of truth, but a very moderate one, compared with the superstructure. One thing is satisfactory—that the materials we possess enable us to throw overboard the useless mass, and that something remains that seems tolerably trustworthy.

First mention of a Roman fleet.

A contrast to the spurious history of the exploits of Q. Fabius Maximus in Etruria is furnished by a simple account of an episode in the great war, which, though an incident of no great importance, and involving no great results, is interesting to us on more than one account. There is no reason to doubt its truth, and it throws a striking light on the manner in which the war was carried on, while it is also the first occasion on which we hear of a Roman fleet. We should like very much to know how it happened that this genuine fragment of history was preserved in the great mass of worthless declamation and fiction. It has reference to the town of Pompeii, and we may perhaps venture to think that the same town which in our own days is surrendering vast treasures of the most genuine relics of antiquity, held in safe keeping for eighteen centuries, did preserve the authentic memory of this incident, and handed it down to be incorporated by the annalists into the history of Rome. Till now a Roman fleet has not been mentioned. If we did not know that Rome, from the year 338 B.C., was in possession of the old Volscian port of Antium, that in the year 313 B.C. a Roman colony was established on the island of Pontia, and that since 311 B.C. the office of admiral of the fleet[1] had existed, we might suppose that the Romans had not yet ventured on the sea. But now we are told[2] that the Roman fleet sailed to Campania, under the command of P. Cornelius, and approached Pompeii. The crew landed, plundered the territory of Nuceria, and were returning to their ships, laden with

[1] Duumviri navales.

[2] Livy, ix. 38.

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spoil, when they were overtaken by the country people, not far from their ships, and deprived of their booty. Some were killed; the rest escaped on board their vessels. This predatory expedition was surely not the only one undertaken by the Roman fleet, and the Samnites, we may suppose, or their allies, retaliated by similar attacks on the coasts of Latium and Campania. The war was not therefore carried on exclusively in the grand and legitimate style, by armies marching to meet armies in the field, or to conquer or defend fortified towns. There was a good deal left of the old practice of plundering and devastating which seems to have been the usual practice at an earlier period. We shall see further on that the same kind of irregular and barbaric warfare continued at a period when it was not only unworthy of the Roman people, but when it was fraught with social and political danger.

Fabius at Nuceria.

The first exploit attributed to Fabius, who again was chosen consul in 308 B.C., is the conquest of this town of Nuceria in Campania, against which the expedition of the fleet was directed. It had formerly been allied with Rome, but seven years before had revolted, about the time of the battle of Lautulæ, when the Roman power was most seriously shaken and endangered. Since that time the Romans had, as we have seen, regained their position in Campania step by step, and had strengthened it by the establishment of colonies. The re-conquest of Nuceria in the southern part of the country supplied the missing link in the chain of fortifications between Campania and the Samnite mountains.

Fabius and the Marsians.

While Fabius was so occupied in Campania, and his colleague, P. Decius Mus, was bringing the Etruscan war to a close, Samnite troops attacked the Marsians, the allies of Rome. Fabius immediately marched to the assistance of the Marsians, and gained a victory over the Samnites. Such is the account of Diodorus,[1] and he deserves our thanks for having preserved this

[1] Diodorus, xx. 44.

authentic testimony; for if we had only the account of Livy[1] we should have no choice but to accept his statement, that the Marsians revolted from the Romans, and joined the Samnites, and that the combined hostile armies were defeated by Fabius. We have here another instance of the perversion of truth by national or family vanity. At the same time the preservation of the simple unadulterated report of Diodorus is a proof that we are no longer entirely dependent on the caprice of any chance writer, but that the authorities begin to be more numerous, and supply the means of correcting errors.[2]

Umbrian campaign of Fabius.

The indefatigable Fabius conducted another war, and brought it to a conclusion in the year of his consulship 308 B.C. This was the war against the Umbrians. A victory of Fabius over the Umbrians is already referred to the year 309 B.C., in which he hurried on from one victory to another. Perhaps it is the same event which is repeated in the annals of the year 308 B.C. How the Umbrians happened to begin hostilities against Rome, we are not told. Perhaps they had joined the Etruscans in their attack on Sutrium. It was, however, by no means all the Umbrians who took part in the war. The Umbrian Camertines[3] appear amicably disposed towards Rome in the story of the spies of Q. Fabius. The Ocriculanians entered into a treaty of friendship with Rome. But the others threatened at once to march upon Rome, and as the consul Decius was not strong enough to resist them, Fabius left his province of Samnium, invaded Etruria, and defeated the enemy at Mevania in so decisive a battle that their complete subjugation was the consequence.[4]

[1] Livy, ix. 41.

[2] Livy (ix. 41) states that the Pelignians acted precisely like the Marsians. Perhaps we may admit this without drawing the same conclusion as Livy, who was mistaken as to the hostility of the Marsians. We are inclined to think that the Pelignians deserted the Roman alliance no more than the Marsians, and that all reports to that effect were invented 'in maiorem populi Romani gloriam.' It is easy to account for the origin of such misrepresentations. No doubt there was among the Marsians and Pelignians a Samnite party. This party was put down by the friends of Rome. How natural for a Roman patriot to say that all the Marsians and Pelignians had rebelled and were again subjected.

[3] See above, p. 418.

[4] Livy, ix. 41.

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Defection of Hernican towns.

The war with Samnium had now lasted nearly twenty years. The Samnites had often been successful in the field, but they had made no enduring conquests, while the Romans had firmly established themselves on the eastern side of Samnium in Apulia, and more especially on the western in Campania, so that the Samnites were shut in all round by a line of Roman colonies or Roman allies, and could make no direct attack on the centre of the Roman dominion. They were gradually losing strength, when fortune seemed once more to smile upon them. Discontent showed itself in the ranks of the Roman allies. The Hernicans, who, next to the Latins, were the oldest and most tried fellow-combatants of the Romans, began to waver in their fidelity. Several towns of this small country, headed by Anagnia, the most important of them all, openly joined the Samnites. Only three towns, Aletrium, Verulæ, and Ferentinum remained true to the Romans. The danger was great. The country of the Hernicans extended to the immediate neighbourhood of Rome, and was connected with Samnium by the valley of the Trerus, which formed a convenient line of communication. An army of Samnites and Hernicans could easily break through the gap between Prænestе and the Alban mountains and appear before Rome; and if the legions were called back to protect the town, Campania would be sacrificed to the Samnites. The Romans were not without serious apprehensions, and, as in times of the greatest danger, two reserve armies were quickly formed and sent to reinforce the two consular armies of the consuls Marcius and Cornelius. These had evidently got into trouble, and were separated from one another. Cornelius was blockaded by the Samnites. But Marcius, joined by the reserve legions, attacked the Hernicans, and reduced them, after a short resistance, to complete subjection. He then hurried to the assistance of his colleague, and defeated the Samnites in a decisive battle, in which they are said to have lost 30,000 men. With this great victory the war seemed ended. Further resistance the Samnites were not able to

make. It is reported that the two consuls marched through the enemy's country for five months, plundering and devastating it.[1] The consul Marcius celebrated a magnificent triumph, and an equestrian statue was erected to him on the Forum. The relations of Rome to the Hernicans were placed on a new footing. Those towns which had remained faithful kept their own constitution and independence; the other Hernicans came into the dependent position of Roman citizens without the suffrage—that is, they became subjects of the Roman people, obliged to pay taxes and to serve in the army, without any share in the honours and advantages of citizenship. Even in the management of their local affairs they were limited, and every kind of political connexion with one another was taken from the separate communities. Thus the Hernicans, like the Latins a generation before, became the subjects of Rome, and Roman power became more centralized and stronger.

Samnite invasion of Campania.

We might now expect to see the Samnites completely exhausted and resigned to submit to Rome; but either the reports of the Roman victories and the devastation of Samnium by the consuls Cornelius and Marcius in the year 306 B.C. are very much exaggerated, or despair and misery drove the Samnites out of their desolated country to exercise their revenge and to search for the means of livelihood. In short, we read of an incursion which they made in the following year into Campania. It also appears that several Roman fortresses fell again into their hands, probably at the time of the defeat of the Hernicans, through the treachery of Hernican garrisons; for it is related that, in the year 305 B.C., Sora, Arpinum, and Cesennia were again taken from the Samnites.[2] In the campaign of this year they fought with their old courage, and not without success; for, according to the reports of some annalists, the consul Postumius, after some indecisive engagements,

[1] Diodorus, xx. 80.

[2] Livy, ix. 44. Again we hear of the retaking of towns, without having previously been informed how and when they were lost. See above, p. 406, note 4.

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retired under cover of night to the mountains. Afterwards, when he was joined by his colleague, Minucius, he succeeded in defeating the Samnites, taking prisoner their general Statius Gellius, and conquering the important town of Bovianum. This last feat of arms does not seem to have amounted to much, if, as is related, it was the third time that Bovianum fell into the hands of the Romans. Be that as it may, the Samnites were by no means subdued. They were only thrown back into their own country. Their conquests beyond Samnium were taken from them, and a barrier was erected against their further plans of conquest and predatory excursions into Campania, Apulia, and the other neighbouring countries, where they were dreaded and hated as dangerous neighbours. But they remained a free people in their own mountains. They concluded at last, after a long and chequered war, an honourable peace with Rome, by which they were left in possession of their independence, standing as a nation on an equal footing with Rome.[1]

End of the second Samnite war.

Thus ended the longest and most trying war which the republic had ever undertaken. It had lasted for twenty-two years, and had been carried on by both nations with equal courage and perseverance. Victory was on the side of the Romans, not because they had more courage, determination, or higher military qualities, but because their conduct of the war was more systematic, because by their plan of fortified colonies they maintained their hold of the territory they had conquered, and because by the superior diplomatic skill of the senate they secured the friendship of the neighbours of the Samnites. This superiority had its root in the strong, centralised government of the Roman state, in the calm firmness and wisdom with which the Roman senate conducted its foreign policy, and in the unbroken determination with which the Romans, now as ever, kept a proposed object steadily in view.

[1] Livy, ix. 45: 'Fœdus antiquum Samnitibus redditum.' Niebuhr (*Röm. Gesch.*, iii. 304; English translation, iii. 259) is of opinion that the Samnites had to acknowledge the supremacy of Rome. Arnold (*Hist. of Rome*, ii. 264), as usual, agrees with Niebuhr.

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Results of the war.

The final result of the war, although it did not bring about the subjection of the Samnites, was in the highest degree favourable for the extension and consolidation of the Roman power. The Latins, who at the outbreak of the war had changed their condition of allies for that of subjects, became one people with the Romans during the twenty-two years of companionship in arms. Whatever was left of rancour and opposition to Roman supremacy died out. Before the end of the war the Hernicans too, like the Latins, had become Romans. The number of Roman citizens had considerably increased, in spite of all the losses in war. Four new tribes were added to the twenty-seven older ones, and eight colonies, sent out in rapid succession, prepared the change of the old Volscian country into Roman territory, while the permanent possession of Campania was quite secured by the immigration of a great number of Roman citizens, and by the different degrees of dependence in which the Campanian towns stood to Rome. Roman influence now penetrated the whole of central and southern Italy, and had for the first time made itself felt in several Greek towns. Rome had become beyond all dispute the first power in Italy; and no people could dare from this time forward, single-handed, to oppose the conquerors of the Samnites.

CHAPTER XI.

INTERNAL HISTORY TILL THE HORTENSIAN LAWS. 339–286 B.C.

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Change in the relative position of patricians and plebeians.

NEARLY a whole generation had passed away since the admission of the plebeians to the consulship by the Licinian laws (366 B.C.) when, by the Publilian laws (339 B.C.), the last remaining purely political offices of censor and prætor were shared with the plebeians. Now at last, by the Publilian legislation, the old struggle between the patricians and plebeians was brought to an end, after it had for nearly two hundred years determined the march of reform, and regulated the internal political life of the Roman people. Nothing now survived of patrician privileges but the priestly offices, which could be left the more easily in the possession of the ancient families, as they conferred no political influence in Rome, but were entirely subordinate to the secular authority of the state. Thus the old contrast had disappeared. Whatever traces were left after this time of patrician pretensions, of patrician arrogance and conceit, we may regard as only the faint echo of a storm which has passed by, which terrifies nobody and deserves not to be noticed or heeded. There were not wanting in Rome a number of men, who from obstinacy, narrow-mindedness, or dulness were closed to all new impressions and convictions, and went down to their graves with all their old feelings and ideas, after a new state of things had sprung up around them.[1]

The old and the

The proud old patricians had not nearly given up the

[1] There were Jacobites in England long after the English nation had forgotten the Stuarts.

New nobility.

hope of conquest when the dissolution and decomposition of their body had already begun at the core. Being unable, by its nature, to receive new members, the patriciate was doomed gradually to melt away, by a natural law, which would have operated even without the concurrence of external circumstances, such as the frequent wars, to which the patricians sent more than their due proportion of combatants. The time was long past when the claims of the patricians to be considered the Roman nation appeared to be justified by the fact. Since the reception of the plebs into the comitia of centuries, the Roman people (the *populus Romanus*) was composed of the two classes, and it was in the nature of things that the plebeians, who received a constant accession of members from without, should increase in the same proportion as the patricians diminished in numbers. The original patrician people shrunk to a patrician nobility, and from this cause alone were obliged to give up the hope of preserving their old prerogative. At the same time, there arose by degrees a plebeian nobility, and even before the Canuleian law promoted the amalgamation of this new nobility with the old one by legalising marriage between the two, a process had already begun by which a number of plebeian families raised themselves to eminence above their fellow-plebeians, and formed, in connexion with the old patrician families, a new privileged class, the 'nobility' properly so-called. After the complete equalisation of the plebeians with the patricians in all private and public rights, this new nobility acquired more ground and a firmer organisation. It was not like that of the old patricians, limited to a certain number of families, and transmitted only by descent from these families, but it was recruited continually by those families from which the people chose the high officers of state. It was, therefore, essentially a nobility of office conferred by the people, and it was made hereditary by the solid organisation of the Roman family. If we employ the term 'nobility' to distinguish these new nobles from the old patricians, we must not forget that as

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long as the patrician houses yet formed an important part of the people, a sort of nobility must have existed within this body, in the form of a number of prominent families, who in point of fact were the rulers, inasmuch as they almost exclusively filled the offices of state.

Character of republican nobility.

An indispensable condition for every nobility that wishes to exercise and maintain political influence is the possession of wealth. The patricians of the older period had been the 'rich,' as opposed to the poor dependent plebeians. For the new nobility, whose pre-eminence was not conferred by descent, the possession of wealth was still more important, and formed, in conjunction with personal merit, their first recommendation in the eyes of the people; for even the purest democrat has respect for opulence, and bestows confidence and votes most readily on the rich. Moreover, as soon as public offices promise power and advantage, the candidates for them bribe the voters by money.[1] For this reason alone wealth is one of the first conditions for the foundation of a noble house in a republic.[2] If plebeian families had attained to great opulence at an earlier period, the struggle between the two classes would not have lasted so long. After the conquest of Veii, perhaps even in the long wars with the rich Etruscan towns, during which the military pay was introduced, it appears that a period began more favourable to the acquisition of wealth. With the new conquests in Etruria and Latium, with the abolition of the old clientela, with the gradual development of industry and commerce, with the increasing employment of slaves, riches accumulated. Rome had now become a large, powerful, and wealthy town. Since the Latin war it had become the centre of the greatest extent of country which, at that time, was formed in Italy into one united body politic.

[1] The first law for the upholding of purity at elections is said to have been passed as early as 432 B.C.—Livy, iv. 25.

[2] Traces of bribery can be found in the story of the rich plebeian knight Sp. Mælius. The plebeian Licinii, who afterwards were noted for their great fortunes, were from the first selected to fill the plebeian offices. See p. 314.

The resolutions of the Roman senate, the decisions of the assembly of the Roman people, disposed of the existence and the fortune of whole towns and populations, of the foundation of colonies, the assignment of landed property, confiscations and grants on the largest scale. It was the acknowledged principle of the Roman nobility from the oldest time downwards to the end of the republic, that the public service should be to them the source of private wealth. Hence the men elected to high offices by the people, if they were not rich already, soon became so, and every increase of power and wealth secured the continuance of their privileged position, and the permanent nobility of their family. There is no difference observable between the old and the new nobility. Generosity and self-sacrifice are never to be found among a privileged class as such. Only individuals, who rise above the interests of their own class, are capable of such virtues. The plebeian members of the new nobility were soon closely allied with the patricians for upholding aristocratic principles, and it was not from among them, but from one of the oldest and proudest noble houses of the republic, that a man arose who, with discriminating eye, saw that Rome needed renovation by the infusion of new blood, and who carried his measure with strong and defiant resolution against all opposition.

The Claudii.

Appius Claudius Cæcus, who was censor in the year 312 B.C. and twice consul, in the years 307 and 296 B.C., was one of the most eminent statesmen of the republic. As hereditary features of the Claudian family, he possessed firmness, courage, daring, pride, and haughtiness; but he, like his ancestor the decemvir, Appius Claudius, and like the greatest Claudian of the Roman annals, the Emperor Tiberius, is placed in a false light by the antipathy of aristocratic historians. If these Claudians had been genuine aristocrats in heart and soul, if they had been true to their party and known no other motives than the interest of their party, they would have been lauded as models of civic virtue. But as they were not partisans but statesmen, they were

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represented by historians of the aristocratic party as monsters and tyrants.[1]

Powers of the censors.

The Roman censorship,[2] in rank the first of all republican offices, was endowed with extraordinary power and influence. On the discretion and judgment of the censors depended the political status of every Roman; and the assessment which they made of his property assigned to every one the position to be held by him and the measure of his public duties and privileges. They decided without the co-operation or interference of other magistrates, and subject only to the sanction of the people, on all questions of admission to or expulsion from the body of citizens; they selected the men whom they thought fit for the honourable service in the centuries of knights, finally they had the high discretionary power, formerly exercised by the kings, of admitting new members to the senate, and expelling those whom they deemed unworthy. In addition to this great discretionary power with regard to the composition and classification of the Roman people, the censors were intrusted with a considerable portion of the financial business of the state. It was their duty to let out to the highest bidder the public revenues from state lands, port dues, saltworks and other such sources. They had also the care and superintendence of public works and repairs, of the improvement and utilisation of the public property—of everything, in fact, which had reference to the material interests of the public, such as the construction of roads, aqueducts, markets, buildings for public use; and, like all other public functionaries in Rome, they were in all these matters not subject to any very strict control.

Term of office for the censors.

It was not without hesitation that the Roman aristocracy placed such power in the hands of the censors; the original duration of their office, five years, seemed irreconcilable with the security of republican institutions. Hence, nine years after the establishment of the censorship, in

[1] See Mommsen, *Forschungen*, p. 287 ff. [2] See above, book ii. chap. xiii.

the year 434 B.C., the censorship was limited to one year and a half by the dictator Mamercus Æmilius, and bounds were set to the powers of the censors relative to the choice of senators by the Ovinian law, the date of which is unfortunately uncertain.[1]

Reforms of the censor Appius Claudius, 312 B.C.

In the hands of Appius Claudius the censorship was a means of a radical reform. He undertook, in connexion with the plebeian censor C. Plautius, a measure for the reception of a large number of new citizens by granting the full franchise to all the freed men and those residents who were Roman citizens without being admitted to the public rights of citizens.[2] It is not probable that, as it has been said, Appius in carrying this reform had any ambitious views, or wished to extend his personal influence at the cost of republican equality. It must be recollected that since the reception of the whole population of Cære into the ranks of Roman half-citizens[3] and still more since the subjection of Latium and the grant of the same imperfect rights to a great number of Latins, Rome had become more and more the centre which attracted tradespeople, merchants, artisans, and adventurers of all kinds. These people enjoyed all the private rights of Roman citizens, and it would neither have been possible nor advisable to shut them out for ever entirely from the full franchise, whereby they were made to share not only the privileges but also the duties (especially of the military service) of the Roman citizens.[4] To these free inhabitants

[1] Probably the lex Ovinia belongs to the time immediately following the Licinian laws, and it was perhaps this law which first conferred on the censors the duty of revising the list of senators, a duty previously exercised by the consuls. See Hofmann, *Der Röm. Senat*, 11.

[2] The measure of Appius Claudius was in fact a Parliamentary reform bill. The fact that such a measure was carried, not by law, but by an administrative regulation of a magistrate, points out the great difference between ancient and modern notions of public law. The former practice in England of creating parliamentary boroughs by royal charter was more in the spirit of the Roman republic.

[3] *Ærarii* or *cives sine suffragio*, probably in 351 B.C. See p. 297.

[4] The townships which had the *civitas sine suffragio* were, it is true, not free from military service; but those individuals who had left these places and gone to Rome practically evaded their duty.

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of Rome who were not citizens must be added a number of freedmen and their descendants,[1] people who supported themselves mostly as tradesmen, artists, and workmen. In the old time, when there were few slaves, the freedmen could not constitute an important part of the population. But after the successful wars beginning with the conquest of Veii, the number of slaves, as also that of freedmen, increased very much. By being emancipated, a slave became a freedman, but not a Roman citizen. Any Roman could, if he pleased, set his slave free, but the right of citizenship could only be given by the state. This could be done in various ways. The censors could put the name of an alien on the list of citizens at the general revision which took place when a new census was taken. That was the simplest and no doubt the most usual way. Such a reception of freedmen and Ærarians had probably often taken place before Appius Claudius. It must have recommended itself as an act of policy and justice, when men who were not in possession of the full citizenship had acquired landed property.[2] But nothing is reported of a regular periodical reception into the tribes of all the half-citizens before the time of Appius Claudius. If it had been otherwise, the measure of Appius would not have excited so much attention.[3]

[1] At the time of the Gracchi a considerable part of the town population consisted of non-citizens, who nevertheless exercised some influence in public affairs. It is probable that in the fourth century B.C. there existed a similar state of things.

[2] Compare Livy, xlv. 15.

[3] Becker (*Röm. Alterth.*, ii. part i. 193) supposes that before the time of Appius Claudius the freedmen and ærarians used regularly to be admitted into the four city tribes. But the measure of the censor, Q. Fabius Maximus Rullianus, who eight years after Appius Claudius, in 304 B.C., confined to the four city tribes the new citizens whom Appius Claudius had received indiscriminately into all the tribes, appears to have been a compromise and is not represented as having altogether done away with the innovation of Appius and restored an old state of things. It is quite clear that Fabius adopted a middle course, intended to remove the danger of indiscriminate admission of a number of new citizens to all the tribes. Livy (ix. 46) says: 'Fabius . . . omnem forensem turbam excretam in quatuor tribus coniecit, *urbanasque eas appellavit*.' According to this view the four city tribes assumed a new character from this time forward, as well as a distinguishing name. The same view is supported by Plutarch, *Poplic.*, 7.

Extension of the citizenship.

No time was more appropriate for this measure than the present. The second Samnite war had very much thinned the ranks of Roman citizens. Besides those who had fallen in battle, or who had been wounded or taken prisoners, the town of Rome had lost many citizens from the necessity of sending out garrisons and colonists and by voluntary emigration to Campania and the Latin towns where business and profit of many kinds attracted them. The natural increase by births could not make up for such losses, and therefore it was not an injurious but a most salutary measure for the state if Appius Claudius proposed a great augmentation of the number of citizens by conferring the privileges and duties of the state on men who had long practically formed a part of it, who already enjoyed its private rights, and were in all respects entitled to be acknowledged as Romans. Of course Appius excited the jealousy and enmity of a great portion of the old citizens. The ancient city communities insisted with great jealousy on the exclusion of foreigners and freedmen from the sacred precincts of citizenship. Their patriotism was the bright side of a virtue the shady side of which was hatred to foreigners. Purity of race was held to be in itself an advantage; a mixture of blood was considered a corruption. The Romans, it is true, rose more above this narrow view than the Greeks. They received conquered enemies as citizens, and so became great and powerful. Appius Claudius felt himself perhaps especially called upon to carry out this policy on a large scale, for, according to a family tradition, his ancestor, Attus Clausus, had come from the land of the Sabines with his family and his clients, and was received in Rome into the rank of patrician citizens. But he met with powerful opposition, and succeeded only by a stretch of his official authority in carrying out his scheme. His political opponents saw the old constitution and, above all, the preponderance of the nobles, endangered by the admission of new citizens in large numbers, and they affected to look upon Appius as a demagogue, possibly aiming at tyranny and intent on corrupting the 'free and indepen-

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dent' electors by mixing up with them a number of his own creatures, who would in all things do his bidding. They failed, it is true, in convincing or thwarting Appius, who carried out his policy in spite of all opposition; but after the expiration of the censorship of Appius, they succeeded in materially modifying his reform. In 304 B.C. the censor Q. Fabius Maximus, in order to limit the influence of the new citizens, removed them from the country tribes into the four city tribes. By this measure the twenty-seven then existing country tribes remained under the influence of the great landed proprietors, and the town population possessed, in spite of its numbers, only four votes in thirty-one. For this wise arrangement it is said Q. Fabius received the surname of Maximus,[1] and it cannot be denied that by it the possibility was removed of the town population outvoting the country tribes in the popular assemblies, and so governing the whole state. It was a measure which was necessary in the absence of a representative constitution, if the Roman commonwealth was to be preserved from the danger of ochlocracy.[2] Whether Appius resisted this modification of his reform we do not know. Perhaps we may suppose that he regarded it as an improvement on his measure, for we hear of no attempt on his part to get it repealed.

Election of senators.

Next to the new constitution of the body of citizens, that of the senate was also in the hands of the censors. The nucleus of this body consisted of men who had been chosen by the people to a high political office, had conscientiously fulfilled its duties, and now entered for life into the highest council of state. Indirectly therefore the senate was chosen by the people, and was in reality the true representation of the people. But the senatorial

[1] Livy, ix. 46. In contradiction to this statement Polybius reports (iii. 87, § 6) that the surname Maximus was given to Q. Fabius the pro-dictator of 217 B.C., generally called Cunctator.

[2] It is the same principle which regulates the distribution of parliamentary representation in England, and according to which boroughs of half a million inhabitants have only two or three members, while small places of a few thousand inhabitants have one or two—'Ne plurimum valeant plurimi.'

rank and privilege was formally conferred by reception into the list of senators, which the censors by virtue of their office drew up at stated intervals. As the annual supply of newly elected magistrates did not equal the natural losses by death, the censors had to choose, according to circumstances, a greater or less number of men who had not yet filled a public office. That these members were selected from the families of the influential nobility was to be expected, nor was it likely that a censor, in drawing up his list, should be quite free from the influence of the political party to which he belonged.[1] But Appius Claudius was one of those politicians who cannot be relied upon by their party, who have their own ideas, and sometimes go their own way without heeding the time-honoured practices of their predecessors. He therefore, at the revision of the senatorial list, carried out his own will, and, disregarding the prejudices of his class, admitted even sons[2] of freedmen into the senate. We do not know his motive. Possibly he selected men of lower rank only because they possessed superior ability, for we cannot presume that he wished to satisfy personal ambition, to create a party in the senate devoted to himself, or merely to vex his opponents. In truth he only carried out in the higher regions of political life the same principle which he had adopted by admitting aliens to the privileges of Roman citizens. Perhaps he thought that the freedmen and others who had been received into the tribes must have their representatives in the senate, and, with a truly Claudian spirit, he acted boldly and paid no

[1] In England the justices of the peace are selected by the administration from the ranks of the party to which the ministry belongs. These justices of the peace have, like the Roman senators, judicial as well as administrative functions to discharge.

[2] Diodorus (xx. 36) says: πολλοὺς καὶ τῶν ἀπελευθέρων υἱοὺς ἀνέμιξεν, ἐφ' οἷς βαρέως ἔφερον οἱ καυχώμενοι ταῖς εὐγενείαις. It may be doubted whether the word πολλοὺς must be taken literally. Livy (ix. 46) says: 'Senatum libertinorum filiis inquinaverat.' Perhaps only two or three of these obnoxious members were selected by Appius, and this sufficed to furnish his opponents with the charge repeated by Diodorus and Livy.

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attention to the outcries of the noble clique[1] who thought the senate desecrated by the reception of such men. This reform was, however, of no great practical importance. Appius, it is true, introduced a new principle, but he had no means of compelling his successors in the censorship to apply it. Public opinion in the ruling circles did not approve of the reform. The old practice was subsequently revived. Nay, the consuls even of the succeeding year are said to have gone so far as to disregard the nomination of Appius, and to have summoned the senate according to the list set aside by Appius.[2] At any rate the senate lost neither in dignity nor in political discrimination and power, and Appius himself lived to see a Greek statesman, the ambassador of King Pyrrhus, stand dazzled before the majestic council of the Roman elders, which he compared to an assembly of kings.

Story of Appius Claudius as sole censor.

The principal business of the censors was completed with the revision of the list of senators, knights, and citizens. It was closed with a solemn sacrifice on the Field of Mars, which gave the divine sanction to the new order. After this solemn act[3] the censors generally laid down their office, in compliance with the Æmilian law, which shortened the duration of their power to eighteen months. For the financial and administrative duties which they had to perform, as well as the erection and repair of public buildings, they usually received a special commission from the senate, and were furnished with the necessary authority and financial means.

But Appius Claudius, it is further reported,[4] declined to lay down his office, although the other censor, C. Plautius, ashamed of the conduct of his colleague, did so.

[1] Τῶν καυχωμένων ταῖς εὐγενείαις.—Diodor. xx. 36. See preceding note.

[2] How this could be done without a violation of the law, it is impossible to see. Perhaps the consuls did no more than make an unsuccessful attempt to set aside the list of Appius. Appius himself, after the expiration of his censorship, was made consul, and surely he must have respected his own list of senators. If the consuls had full discretion in summoning or not admitting senators to the deliberations of that body, there must have been a state of anarchy in Rome, and the 'lectio senatus' of the censors was a mere farce.

[3] The technical term was *lustrum condere*.

[4] Diodorus, xx. 36.

He was now sole censor, and acted in defiance of an express and special law. He paid no attention to the indignation of the senate nor to the intercession of one of the tribunes, who threatened him with imprisonment. Relying on the support of three tribunes, he appropriated the public money, without the permission or authority of the senate, to two great public works which were to immortalise his name—to an aqueduct and to the magnificent road (the Via Appia) which, almost without a turning, led through Latium and the Pontine marshes to Campania. It seemed that, by means of the numbers of public contractors and workmen whom he employed, he was going to make himself the master of the state,[1] and he disposed of the public revenue without any reference to the senate, as if he exercised already unlimited power. He seemed intent on prolonging his power indefinitely; for, before the five years of his censorship had expired, he solicited the suffrage of the people for the consulship, and he was actually successful in being elected for the year 307 B.C.

Misrepresentations of the narrative.

This story, which plainly is intended to represent Appius as a dangerous and violent demagogue, and which is indebted for its glaring colours to the enmity of the genuine nobility, is not only exaggerated and distorted, but without doubt in some respects utterly false. First, the accusation is absurd, that Appius wished to establish a monarchy for himself.[2] We know from the stories of Sp. Cassius, of the decemvir Appius Claudius, of Sp. Mælius and M. Manlius, what such accusations mean. They may be looked upon as proofs that the men against whom they are directed threatened the dominion of the nobles. The story of the censor Appius Claudius is in some features identical with that of the decemvir Appius. The enmity against the aristocracy, the defiant arrogance, the usurpation of tyrannical, illegal power, and, finally, the retention of official authority beyond the appointed period, all these

[1] Suetonius, *Tiber.*, 2. Compare Mommsen, *Forschungen*, p. 308.

[2] Suetonius, ibid.: 'Italiam per clientelas occupare tentavit.'

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are points which show the intentional partisanship as well as the extreme poverty of the ancient annalists who were reduced to borrow the detail of one story from the other.

Explanation of the continued censorship of Appius.

The refusal of Appius to lay down the censorship cannot really relate to the censorship as such—in other words to the regulating of the census, the new ordering of the senators, of the knights, and of the tribes and centuries. All these matters were completely finished and settled before the solemn lustrum was concluded. There was no need that Appius should act further as censor with respect to this part of his functions, nor is he charged with having done so. But great buildings could not be erected in eighteen months. For the completion of such works, which required a long time, the office of the censor was under ordinary circumstances extended by a decision of the senate.[1] But it seems that, in consequence of his liberal reforms, Appius met with opposition in the senate, and that, even if the majority were not against him, his opponents had gained one or more of the tribunes of the people, who, by virtue of their veto, could frustrate every formal resolution which might be adopted in favour of Appius. Such an opposition Appius was enabled to resist on the strength of the fundamental principle of constitutional law, which did not sanction any process for compelling a magistrate to resign. As long as Appius, therefore, had a strong party in the senate and among the people, who on his finally resigning would guarantee his acquittal, or as long as he could reckon on a tribune who would oppose an impeachment, he could securely proceed to execute the duties of his office which had been intrusted to him. Above everything he was secure of the support of the people, on account of the popular measures he had carried, as well as of the great buildings which he had undertaken, and which directly or indirectly were intended for the benefit of the lower classes, by furnishing lucrative

[1] See Becker, *Röm. Alterth.*, ii. part ii. 238.

employment for thousands, and by supplying a poor quarter of the town with water. Appius might have carried all his measures by the support of the people alone. A resolution of the tribes was binding on the whole state. If such a resolution commissioned him to carry out the public works, and voted the funds, the senate was obliged to comply. However, the veto of a tribune, acting in the interest of the obstructive party, might have prevented a resolution of the people being carried, and in that case there would have been no remedy for the people but to wait until they could elect ten tribunes unanimously in favour of Appius Claudius. Everything considered, it is much more probable that Appius had a majority in the senate, and that this body, in the very beginning of his censorship, had approved of his projects, and had voted the money for them. Without such a legal title, Appius would not have been able to expend the sums which his public works required. It was the indisputable right of the senate to control the finances, and to grant to all the magistrates the supplies which they required. A violation of this constitutional law, such as has been ascribed to Appius, would not have been without grave consequences, and would have exposed the privilege of the senate to be questioned and set aside by every ambitious and unscrupulous politician. It seems, therefore, that Appius, in spite of the opposition of a strong party, had still a majority in the senate, and could carry out his measures in a constitutional way. The story of the annalists, starting from the opposite point of view, has here disregarded the laws of probability, and overstepped the bounds of what was possible.

The Appian road and aqueduct.

The two great public works of Appius were, during the whole time of the republic and the empire, evidences of the enterprising spirit of their author. The Appian aqueduct brought pure water—one of the greatest necessities of hot unhealthy Rome—from the Sabine mountains, partly in subterranean passages, partly on huge arches, into the

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most thickly populated part of the town, between the Tiber and the Aventine. The Appian road followed in the main that which had always united Rome with the Liris, and further on with Capua; but now it was, as much as possible, carried on in a straight direction, made horizontal by mounds and by cuttings, and perhaps it was already paved in part. The Appian road was the first of those magnificent lines of communication by which the Romans understood so well how to connect their conquests with the chief town, and which afterwards, starting from Rome, traversed Italy in all directions, and extended to the furthest posts in the remotest provinces where the Roman soldier guarded the frontier. Streets and roads are always an unfailing criterion by which to judge of the condition of a people with regard to its political and social development. The entire want of well-made roads is an unmistakable sign of barbarism. With the first development of agriculture, trade, and manufactures, the need is apparent of convenient ways of communication. Without good roads no states of great extent can be formed. Only as these are improved and extended can distant provinces establish a regular and profitable intercourse with one another; in fact, roads are indispensable for the administration, control, and government of a large country, and for that political unity which is the first condition of a civilised state. The want of roads in Greece, occasioned by the natural obstacles of rugged mountains, and only partly compensated by maritime intercourse, greatly encouraged the spirit of local independence in the Hellenic towns. The physical features of Italy were less unfavourable for the construction of roads, and the practical sense of the Romans made use at an early period of this means of bringing together the different parts of the state. Their roads for the most part served military purposes, and only in a less degree the wants of commercial intercourse, and by this peculiarity they characterised the Roman empire, which was based not upon productive activity, nor on the co-operation of members

enjoying equal rights, but on undisputed military dominion exercised from one grand centre.

Increasing wealth of Rome.

It is an agreeable surprise to learn that Rome, in the midst of a long bloody war, could find leisure, interest, and means, not only for warlike, but also for peaceful purposes, which were likely to promote the well-being and prosperity of coming generations. We see in this fact a growth of national affluence which could hardly have been expected. Certainly a great part of the means necessary for the great public works of Appius was a result of the victories of the Roman legions. The additions to the state domains, which were farmed, were no doubt great, and the booty of war had enriched many; the number of slaves was much increased by the capture of prisoners, and thus hands were not wanting for employment on the works. But independently of this, it seems that opulence and prosperity were continually increasing in Rome. The whole reform of Appius can be explained only by the growth of a productive, industrious population. Nor do we lack special indications pointing to the same fact. The droll story of the refractory musicians is interesting, not merely as one of the few features of humour in the history of the Romans, but as showing us a little of their social life, from which we gather that, even in the midst of a great war, there were sociable pleasures, quiet enjoyment, and even boisterous revelry.[1]

Secession of the Tibicines.

The guild of pipers, in high repute since Numa's time, was accustomed every year, at the festival of Minerva, the so-called little Quinquatrus, in June, to celebrate a feast in the temple of Jupiter, and then, with masks and women's dress, to parade the town. The stern censor Appius Claudius thought proper to issue an order[2] forbidding this perhaps objectionable and misused privilege. But in this matter he found that he had to deal with people who would not

[1] Livy, ix. 30. Ovid, *Fast.*, vi. 651 ff. Valer. Max., i. 5, 4. Plutarch, *Quæst. Rom.*, 55.

[2] Probably Appius did this in the exercise of his censorial surveillance over the public morals.

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be trifled with. The guild of pipers decided to leave Rome, as at one time the plebs had done, and they betook themselves to the neighbouring city of Tibur.[1] The case was serious. At all the great festivities, at marriages and burials, at all public sacrifices and feasts, the necessary and solemn music was wanting. How easily might this neglect give offence to the gods, who jealously insisted on the strictest and most conscientious observances in their service! General anxiety seized all the people,[2] and the senate were obliged to acknowledge themselves beaten, and to invite the exasperated musicians to return to Rome. But these felt that they had the advantage, and remained in Tibur. Thereupon the Tiburtines, wishing to oblige their Roman friends, hit upon a ruse. On a certain evening they invited all the pipers to different houses, and gave them so much wine that they were soon fit to be packed in waggons and conveyed back to Rome. When they awoke the next morning from their drunken sleep,[3] and found they had been outwitted, they consented to remain in Rome, but only under the guarantee of their old privilege, which from that time they exercised without any further interference.

Changes in the law of debt.

How seasonable and salutary those measures were which aimed at the extension of the franchise and the doing away of the privileges of a class, we may gather from many features of the Roman history of that time. As early as 313 B.C.[4] the last remnant of the old cruel law of debt disappeared: on the proposal of the dictator C. Pœtelius. imprisonment for debt for Roman citizens was abolished. This important progress towards the humane treatment of debtors, which is not yet made everywhere in the law of modern Europe, is the more surprising among the Romans, as they were formerly accustomed to treat insolvent debtors like criminals.

[1] This is perhaps the first strike on record.

[2] Livy, ix. 30: 'Eius rei religio tenuit senatum.'

[3] Livy, *loc. cit.*: 'Plaustris in foro relictis, plenos crapulæ eos lux oppressit.'

[4] Or even 326 B.C., according to Livy, viii. 28. See Niebuhr, *Röm. Gesch.*, iii. 178; English translation, iii. 157.

A further concession to the people related to the election of military tribunes, the principal officers of the legion. In every legion there were six of these, and therefore twenty-four in the four legions annually levied. Originally the consuls had the right to appoint them. In the year 362 B.C. the election of six of them was given to the people;[1] now, in 311 B.C., it was decided that sixteen should be annually elected by the comitia of tribes. It is not possible to explain this change from military motives. The nomination of the inferior officers by the commander-in-chief is surely preferable to a popular election.[2] It must consequently be presumed that the election of the legionary tribunes by the people had for its object to make the advantage of higher pay, larger shares in the division of the spoils, and of grants of land dependent on the will of the people.

Election of military tribunes.

The same democratic tendency is expressed in the election of Cn. Flavius, the son of a freedman, as curule ædile in the year 304 B.C. Flavius was an intimate political friend of Appius Claudius, and was probably by his reform admitted to the full rights of citizenship. He had till now belonged to the influential class of public clerks, a class of men most useful and indeed indispensable to the public magistrates, who did not possess the knowledge of detail necessary in the various departments of the public service. The magistrates were elected to office through the influence of their family and party, and by the favour of the people, not on account of aptitude for or knowledge of business, and they remained in office too short a time to make up for their defects. The public clerks, on the other hand, made their living by doing all the routine work, and they devoted themselves entirely and permanently to their professional duties. They were practically acquainted with all the rules, customs, traditions, and experiences of office, with the numerous formularies and observances. There were, no doubt, among them men of great skill and ability. But they were freedmen, not freeborn Romans.

Curule ædileship of Cn. Flavius.

[1] Livy, vii. 5. See above, p. 346.

[2] This appears from a law passed in 171 B.C. from military considerations: 'Ne tribuni militum eo anno suffragiis crearentur.'—Livy, xlii. 31.

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Their offices were not honorary but stipendiary.[1] It was therefore a novel and a bold step for Cn. Flavius to come forward as a candidate for the ædileship. He was elected after he had publicly declared that he would no longer practise as a clerk.[2] The people, in electing him, showed their freedom from the old prejudices which had till then confined and oppressed them.

Publication of a legal calendar and of the legal formulas.

Flavius rendered his thanks to the people not merely by words, but by the performance of a real service. He undertook, on his own responsibility, supported by Appius Claudius, to supplement in a measure the laws of the Twelve Tables, inasmuch as he published a legal calendar and a list of formulas which had to be used in the courts of law in civil cases.[3] The publication of information which until now had intentionally been kept secret could not have, nor was it meant to have, the effect of rendering the counsel of lawyers superfluous in future. But nevertheless much was gained if the knowledge of law was made at last accessible to all, and remained no longer the monopoly of one class. Thus the translation of the Bible into the vernacular language has not made everyone a theologian, but it has broken the spiritual omnipotence of the clergy.

The augurs and pontifices.

A further mark of progress was the admission of plebeians to the priestly offices of augurs and pontifices by the Ogulnian law, 300 B.C. This innovation was, indeed, as indicated above, not of great political importance.[4] It concerned more the great plebeian families than the plebeians in general. But it was in some measure the ornamental finish of the newly constituted order in the state, the recognition of equality between all Roman citizens in the last recesses of privilege. Of the patri-

[1] It is hardly necessary to point out the parallel case of government clerks in modern constitutional states with a parliamentary government.

[2] Compare Mr. Goschen's retirement from his firm on his taking office.

[3] Livy, ix. 46. According to Pliny (*Hist. Nat.*, xxxiii. 6) the publication was made earlier, whilst Flavius was clerk to the censor Appius Claudius. It will be difficult to fix the time satisfactorily.

[4] See p. 334.

cian offices there remained now none but that of the sacrificial king, those of the three high flamines and the Saliarian brethren—in which the old order was left untouched out of historic veneration for these honourable relics of antiquity—and the extraordinary office of interrex.

Renewed dissensions.

The Roman citizens seemed now to have no materials left for internal struggles. Nevertheless, hardly ten or fifteen years elapsed in perfect peace. After the end of the third Samnite war, in the year 287 B.C., the old dissensions were renewed. The wound which had long been healed broke open again. We hear once more of an excess of debt, of an insurrection, of a secession of the plebs, and of new concessions, by which the worst was prevented and peace again restored. This fourth secession of the plebs, and the laws, connected therewith, of the dictator Hortensius, belong to the many mysteries of the internal history of Rome, of which we can hardly expect a satisfactory explanation. Still the attempt must be made, as far as our imperfect information will permit, to understand them.

Agrarian law of Manius Curius Dentatus.

We must anticipate a little the foreign history of Rome, and connect our narrative with the victorious conclusion of the third Samnite war. The war had cost immense sacrifices, and it is quite conceivable that a considerable part of the people was in great distress. Now, however, there was a prospect of remedying this distress. Large tracts of land had been conquered, and were at the disposal of the Roman state for colonisation and division to impoverished citizens. An agrarian law was introduced[1] by the plebeian consul, Manius Curius, the conqueror of the Samnites and the Sabines, the model of old Roman contentment and honesty.[2] He proposed giving assignments of land to the citizens of seven jugera each.[3] That he found great opposition is certain,[4] but of the causes of this opposition we are not informed. Did the question turn on

[1] The year when this was done can be fixed only by conjecture.
[2] Valer. Max., iv. 3, 5: 'Exactissima norma Romanæ frugalitatis.'
[3] Valer. Max., iv. 3, 5.
[4] Appian, iii. 5.

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the selection of the land to be divided, or on the conditions of the proposed assignments of land, or, even as Zonaras hints,[1] on an immediate liquidation of debts? We do not know for certain. Still we may perhaps venture to suppose that the question was, whether assignments of land with full right of property should be made in districts which the great land-owners wished to keep as state lands, in order by occupation to appropriate them to themselves. Whatever the proposal of Curius may have been, the senate and the nobility opposed the execution of the plan. By two previous laws, the Valerian-Horatian of the year 449 B.C. and the Publilian of the year 339 B.C., it was decided that the plebeian assembly of tribes should be permitted to exercise the right of legislation.[2] But whether these laws, as probably was the case, were so limited by particular clauses that they were not applicable to the case in question, or whether the nobility tried to set them aside as antiquated, the opposition was so strong that the radical measure of a formal secession was resorted to by the popular leaders in order to break it. The people retired to the Janiculus, and could only be induced by the danger of threatening war to consent to the proposals of the dictator Q. Hortensius. The condition of peace was a further confirmation or extension of the old laws, which placed the comitia of tribes on a par with the comitia of centuries in legislative matters.[3] That is all that we know with certainty of the Hortensian law, and this is in no way sufficient to enable us to see distinctly the extent and the meaning of it, and especially to determine the relation in which it stood to the two earlier laws of similar import. We do not know either how the dispute about the agrarian law was settled, and we can only suppose that in this also the nobles yielded.[4]

[1] Zonaras, viii. 2.

[2] See pp. 202, 371.

[3] Gellius, xv. 27: 'Postea lex Hortensia lata, qua cautum est, ut plebiscita universum populum tenerent.' Pliny, *Hist. Nat.*, xvi. 10. Gaius, i. 3.

[4] The connexion of the popular movement of 287 B.C. with the agrarian law of Curius is not indicated by our informants. It seems, nevertheless, safe to assume it, as Niebuhr (*Röm. Gesch.*, iii. 484 ff.; English translation, iii. 420) and Arnold (*Hist. of Rome*, ii. 377 ff.) have done.

The legislative omnipotence which, by the Hortensian law, was given or confirmed to the assembly of tribes, changed Rome, in point of form, into a pure democracy. The comitia centuriata, in which the citizens were divided into five classes and divisions of classes, according to property and age, and which therefore retained the principle of inequality and were in some respects aristocratically organised, had now only the election of consuls, prætors, and censors as their exclusive privilege. In all other matters the purely democratic comitia of tribes, where heads only were counted, and from which the patricians were even excluded, had concurrent authority. The tendency had been for a long time in favour of an increase of the power of the assembly of tribes. The election of the newly-established magistrates, with the exception of that of prætors and censors, was given to the tribes.[1] The civil legislation seemed quite to have passed over to them, and even questions of foreign policy, involving war and peace, were regularly laid before the tribes. The cumbersome comitia of centuries, with all their troublesome apparatus of auspices, and their complicated divisions of seniors and juniors, of knights, musicians, smiths, and carpenters, seemed antiquated and useless for common convenience. The time for their transformation and adaptation to the altered circumstances was approaching.[2] In the meantime the comitia of tribes developed an ever-increasing activity. They were free from those religious formalities from which the mind of the people turned away more and more, especially since they had become aware of the hypocrisy practised by the ruling class. The tribunes of the people, not burdened with arduous administrative functions, such especially as those which kept other officials away from the town, and now no longer called upon to render legal protection to the plebeians against patrician magistrates, had leisure, opportunity, and means, as it

Increased power of the comitia of tribes.

[1] On the election of military commanders by the tribes during the second Punic war, see Lange, *Röm. Alterth.*, ii. 462.

[2] The reform of the comitia centuriata took place 241 B.C.

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appears, completely to rule the republic through the comitia of tribes. How easy was it for them to propose and to carry laws for grants of land, for the reduction of debt and the distribution of money! Was it to be expected that the people would control themselves, and how could there be wanting demagogues ready to avail themselves of so favourable a state of things? How was it that the republican liberties were not now already undermined by ambitious men, with the help of the tribunes of the people and the assembly of tribes? Yet the danger lay still far off. What might have been expected did not happen. The republican spirit was yet too strong; and the position of the republic with regard to foreign states required the co-operation of all parties.

But more especially the Roman nobility governed as a compact body, and suffered no isolated opposition to show itself; they kept strict discipline among themselves, and, in spite of all democratic innovations, they were more than ever the real masters and rulers of the commonwealth. Rome was a complete aristocracy with democratic forms. The Roman republic was practically governed by the senate, which was composed of the representatives of the noble houses. The popular assemblies, which had neither the right of initiative nor of free discussion, were only the machinery by which the nobility marked their measures with the legal stamp. It is in the nature of things that the population of a town cannot govern a large country. The small peasants and tradesmen of Rome had not the knowledge necessary for the regulation of public affairs, now that the state was so much extended. The professional politicians, who composed the senate, took the reins into their hands, and justified this usurpation by the wonderful wisdom, firmness, and circumspection with which they governed. They controlled the election of magistrates, and admitted no one easily of whom they were not perfectly sure. The magistrates so chosen they kept in strict obedience to their own will. Even the tribunes of the people bowed to the authority of the senate, and were

Position and power of the senate.

from this time forward more and more the most important servants of the new government. Through them the senate had the sanction of the assemblies of the people at their disposal, and their right of intercession was a means always ready to overpower the resistance of any refractory magistrate. Thus unity of will was infused into the heterogeneous mass of authorities which seemed so admirably contrived to cause mutual hindrances and obstructions. The senate kept this position until the end of the republic. The time came at last, however, when it was compelled to abdicate its power. The empire became too large even for the senatorial government as it was organised in Rome. When the nobility could not resist the temptation to turn the power of government to their own advantage, monarchy stepped in, and transformed the freedom of the few, which had become a sham and a nuisance, into an equal slavery for all.

CHAPTER XII.

THE THIRD SAMNITE WAR, 298–290 B.C.

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State of the mountain tribes, and their relations with Rome.

THE second Samnite war, which ended in 304 B.C., had put an end for the time to plans of conquests in Campania, and even to the predatory invasions of the mountain tribes. The Romans and their allies, the neighbours of the Samnites, especially those in Campania and Apulia, had not fought the war for the conquest of Samnium. The policy of Rome did not yet contemplate the subjection of the Samnites. In the treaty of peace the independence of the Samnites was acknowledged. Nevertheless an extension of the Roman power took place indirectly at the expense of the mountaineers. The whole district on the Liris and Volturnus, where the Volscian and Ausonian nations lived, was withdrawn from their influence, and had to submit to the arrangements which Rome found it in her interest to make. The country was secured against future attacks by numerous colonies. A great part of the land changed hands. Roman citizens and Latins settled on it in great numbers. The towns that remained independent, or at least in the enjoyment of their own local self-government, were drawn more closely to Rome, as Roman municipia and allies, and furnished henceforth a part of the Roman army. Simultaneously with this increase of the colonies and the subject population, the state grew at its centre, as the tribes were increased from twenty-seven (332 B.C.) to thirty-one (318 B.C.), and stretched now over almost every part of ancient Latium. These thirty-one districts, together with the colonies and the dependent municipalities and prefectures, formed now

the enlarged Roman state, a state which in size was already the largest in Italy, and which in centralised organisation and readiness for action surpassed, far more than in mere dimensions, all other Italian states.

The allies of the Romans.

This Roman state had, moreover, a number of allies on whom, in case of a war, it might reckon with tolerable certainty. The Sabellian tribes of central Italy, the Marsians, Pelignians, Marrucinians, and Vestinians were, as before, friendly to Rome, as were also the Apulians and Lucanians, from their hatred of their neighbours, the Samnites. These peoples, it is true, were not at all times to be relied on. Their political institutions were shifting and irregular. They formed confederations, which were unable to resist the strain of a great war, and were swayed by the individual interests and views of the different cantons among the mountains, or the several towns in the Apulian plain, or the leaders of opposite parties. The Lucanians, above all the rest, were divided among themselves and uncertain in their resolution and action. It could not, of course, be expected of these people that they should hold the interest of Rome dearer than their own; and if Rome committed errors by leaving them exposed to the common enemy, or by treating them harshly, or calling upon them to make too great sacrifices, the natural consequence was, that they felt the protection of the Romans more burdensome than the enmity of the Samnites. Thus, in the course of the second Samnite war, there had arisen hostilities between Rome and her allies which the Roman annalists took advantage of, in order to be able to relate victories of the Romans over these nations.[1]

Consolidation of the Roman state.

After the termination of the second Samnite war, in the year 304 B.C., these alliances were renewed, first with the Marsians, Pelignians, Marrucinians, and Vestinians, and a few years later with the Picentians, the Lucanians, and the Apulians.[2] Thus Samnium was completely hemmed in, on the one side by Rome herself, and on the other side by her

[1] See p. 423.

[2] Diodorus, xx. 101. Livy, x. 3, 10. Dionysius, xvi. 11.

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allies. The Romans had full liberty to complete that organisation of the state which was commenced by changing the Latin allies into Roman citizens, by extending the Roman tribes over Latium, by the establishment of colonies, dependent municipalities, and prefectures. In this direction the Romans now proceeded further. Immediately after the close of the war with the Samnites, the Æquians, the old obstinate enemies and tiresome neighbours, who had so often harassed and alarmed the Roman republic in its infancy, were subdued and quieted for ever. The town of Alba, in their country, near Lake Fucinus, was changed into a Roman colony, and a strong garrison of 6,000 men was placed there.[1] The town of Sora in the country of the Volscians, on the Liris, which had been temporarily in the possession of the Romans during the war, received a garrison of 4,000 Latin colonists. These colonies could not be founded without large confiscations of land and spoliation of the former owners. It is therefore clear why the Æquians, in the year following, made a desperate attempt to destroy the colony of Alba. They remembered the time when by their attacks they were able to terrify even Rome, and probably they forgot the great changes which had taken place since. By this act they hastened their complete subjection. In spite of their obstinate resistance, their country was incorporated with Rome in the year following (300 B.C.), and two new Roman tribes[2] were formed of it.[3]

[1] Livy, x. 1. It is strange that Alba is stated to have been an Æquian town; it seems to have been situated in the country of the Marsians. We have here another indication to show how vague the notions of the Roman writers were on geographical facts.—See above, pp. 404, 417. The same remark applies to what is reported of Carseoli. Livy (x. 3) says that Carseoli was situated in the country of the Marsians, which, considering it was to the west of Alba, which he calls Æquian, is rather strange. But soon after (x. 13) Livy contradicts his former statement, and, following no doubt another annalist, informs us, that Carseoli lay in the country of the Æquicoli, which is only another name for Æqui.

[2] Tribus Aniensis and Terentina.

[3] The resistance of the Æquians on this occasion proves, if proof were wanted, that the establishment of new tribes was far from being necessarily a benefit for the old inhabitants and owners of the land, and that not they but Roman colonists were the constituents and voters of the new tribes.—See p. 260.

Extension of Roman colonies.

The Volscian towns of Arpinum and Trebula received the Roman citizenship, without honorary rights (the *civitas sine suffragio*)—that is, they were made subject towns or municipia; the town of Frusino, in the country of the Hernicans, was punished by having a third of its land confiscated, because the inhabitants were charged with having excited the Hernicans to revolt. The beheading of the leaders of this alleged conspiracy ended this episode, and re-established peace in the small town of Frusino, of whose sad fate we only hear accidentally. Probably it was not the only place in which the Romans established peace and submission in that effectual but inhuman manner which was peculiarly their own. The next colony to be established was Carseoli, in the country of the Marsians, to which in 301 B.C. no less than 4,000 colonists were sent. This foundation also called forth, like that of Alba, the opposition of those at whose expense and in whose country it was made. But the Marsians resisted in vain. They were subdued by the dictator M. Valerius Maximus, and their old alliance with Rome, it is said, was renewed; by which we are to understand that Rome, for the present, forbore to take from them more than the town and the district of Carseoli. The frontier of the republic was now sufficiently protected on the south and east by the chain of colonies, which extended from Campania, along the valley of the Liris, as far as the Anio, and which consisted of Cales, Suessa, Interamna, Fregellæ, Sora, Alba, and Carseoli.[1] In the north Sutrium and Nepete were still the only military strongholds, and between these towns and Carseoli the valley of the Tiber offered the easiest and most natural road for an advance upon Rome, should the Etruscans or the Umbrians be in a condition to undertake a war in that quarter.[2] Hitherto it had not been found

[1] The colony of Casinum is doubtful. Compare Th. Mommsen in *Rheinisches Museum*, 1853, p. 623.

[2] This explains the terror prevailing in Rome in the second Samnite war, when the Romans apprehended an attack on the part of the Umbrians.—Livy, ix. 41: 'Expertis Gallica clade quam intutam urbem incolerent.'

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necessary to stop this approach to Rome by a fortified place, because the northern neighbours of Rome gave no cause for serious apprehension. They had not materially affected the war of Rome with Samnium, for the alleged exploits of Q. Fabius Maximus against the Etruscans and Umbrians, in the course of the second Samnite war, were, as we have seen, in reality of very small importance. If the Romans found it necessary now to erect a fortification on the northern frontier, the cause must be looked for in the movements of the Gauls, who, strengthened by reinforcements from beyond the Alps, now began again to harass northern Italy. Since the conquest and destruction of their town by the Gauls, the Romans entertained a deep-rooted terror of these impetuous barbarians.[1] Nothing was so calculated to produce uneasiness and undignified anxiety, not only among the mass of the people but in the senate itself, generally the model of firmness and resolution, as the news of the approach of the Gauls.[2] They had marched along the Tiber in the year of the battle of the Allia. It was therefore for the defence of this road that the Romans now took possession of the Umbrian town of Nequinum, which lay close to the river Nar, near its junction with the Tiber. This town, from henceforth called Narnia, impregnable by its situation on steep rocks, and almost surrounded by the Nar, became a Roman colony, and filled up the gap which till now had existed between Sutrium and Nepete on the one side, and Carseoli on the other.[3]

Relations with the Etruscans.

A further precautionary measure of the Romans against the dangers which threatened them from the Gauls was the keeping up or the renewal of the good understanding with the Etruscan towns which formed the bulwark of Rome against the barbarians. Even during their first disastrous invasion, the Romans, it is said, had made an attempt to interpose on behalf of the town of Clusium. They now

[1] See above, p. 266.

[2] Compare Livy, x. 10: 'Romæ terrorem præbuit fama Gallici tumultus.'

[3] Livy, x. 9, 10.

availed themselves of internal disturbances in Arretium[1] to establish in that town a government entirely dependent on themselves. A civil war had broken out in this town, which led to the expulsion of the noble house of the Cilnii,[2] and probably raised the democratic party to power. The Romans showed themselves here, as everywhere, the friends of the nobility, and sent out an army at the request of the expelled Cilnii to bring them back again. This was effected without much difficulty, and we may presume that the nobles, now in possession of the government of Arretium, had from this time forward a double reason for clinging to Rome, because they were safe only by Roman assistance against their internal enemies as well as against the attacks of the Gauls.[3] This intervention in Arretium was, as Livy says,[4] in some annals represented as a regular war of Rome with Etruria. The dictator M. Valerius Maximus is made the hero of this war. It is related with much detail how he repaired a fault of the master of the horse,[5] how he defeated the Etruscans in great battles, and compelled them to accept a humiliating peace. The domestic annalists of the Valerians[6] have undoubtedly enriched the history of Rome with this war, and they found ready credence with a public so ignorant and so incapable of critical discrimination as

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[1] It appears from Livy's statement (ix. 32) that Arretium had, during the second Samnite war, been friendly to Rome, or at least neutral. Nevertheless, soon after Livy reports (ix. 37) that she sued for peace. If the two statements are correct, it seems that, by an internal revolution in Arretium, the power passed from the nobles, the friends of Rome, to the democratic party.

[2] The Cilnii were the princes from whom Cilnius Mæcenas traced his descent. Hor. *Od.* i. 1, 1.

[3] Polybius, ii. 19, 7.

[4] Livy, x. 5.

[5] Livy does not venture to decide who this Magister Equitum was. Some called him M. Æmilius Lepidus, other Q. Fabius Maximus. The accounts referring to the events of 301 B.C. are indeed in great confusion. The Fasti contain the names of no consuls for this year, but only those of dictators, with considerable variations. Q. Fabius Maximus is named by one authority dictator, by another master of the horse.

[6] One of the most notorious falsifiers of the Roman annals was Valerius Antias, who, proud of the great name of Valerius, seems to have lost no opportunity of glorifying the great men of that family.

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the Romans. Fortunately we learn from Livy that some of the annalists did not relate these mendacious stories.[1] We owe these annalists our best thanks. Their silence enables us to clear away the fictions which render the Roman policy of that time completely incomprehensible and absurd. We may now maintain that the Roman senate was not guilty of the folly of undertaking a war with the Etruscans and Umbrians, in addition to that which threatened them from the Samnites and the Gauls, and moreover that the former two nations saw the necessity of seeking Roman protection against the greatest danger to which they could be exposed, the danger of being extirpated, like their kinsmen in the north, by the savage barbarians of Gaul.

Causes of the third Samnite war.

Rome had thus made use of the six years of peace, when, in 298 B.C., a new war threatened to break out with the Samnites. The cause was furnished by the Lucanians. This people was agitated by incessant internal dissensions; the democratic party were averse to the connexion with Rome, and sought among the Samnites a support against their political enemies. It was decidedly in the interest of the Romans to keep the Lucanians, as their allies, in a sort of dependence, and to allow no Samnite influence to supplant their own. They sent a message therefore to the Samnites, requesting them to desist from interference in Lucania. The Samnites declined to obey this arrogant injunction, which assumed a superiority they were in no way ready to concede, and the war broke out anew.[2]

Relative strength of Rome and Samnium.

The relative strength of the two belligerent states was in the year 298 B.C. very different from that which it had been thirty years before. Rome had during that time become indisputably the first power in Italy; the Samnites were internally weakened and cut off all round from their cognate races. Their attempts to make conquests in Campania, in the country of the Volscians, and in Apulia, had been frustrated, and these countries had come altogether into the possession or under the influence of Rome. The Samnites owed only to the wild mountains which they

[1] Livy, x. 5. [2] Livy, x. 11, 12.

inhabited the preservation of their independence and the continued importance of their friendship or hostility. When we recollect how long the mountain tribes of the Caucasus defied the colossal power of Russia, how the mountains of Switzerland were strongholds of independence, we can understand that the rude inhabitants of the highlands of the Apennines, though often beaten, could make themselves again terrible. The loss of the pasturage on the Apulian plains and the devastations of the long wars compelled the Samnites more and more to live by plunder, and their predatory expeditions became a general grievance. The Romans therefore always found allies, ready under their guidance to keep off these troublesome neighbours.

Campaign of L. Cornelius Scipio.

The first year of the third Samnite war, 298 B.C., is of particular interest for the Roman history. In the epitaph of L. Cornelius Scipio, the consul of this year, which was found in Rome in the year 1780, we possess a valuable, if not the oldest, document of the republic which has come down to posterity in the original. On this account alone the inscription deserves especial respect and attention; at the same time it exhibits so fully the characteristics of the oldest family traditions, from which mostly the annalists have gleaned their facts, that we may pause for a moment to examine the epitaph. Composed in the Saturnian verse—the rude Italian rhythm which was afterwards superseded by the refined and elaborate metres of the Greeks—the epitaph runs thus[1]:—

Cornelius Lucius Scipio Barbatus,
A noble father's offspring, a brave man and wise,
Whose beauty was equalled only by his virtue,
Who among you was consul, censor, and ædile,
Took Taurasia and Cisauna in Samnium,
Subdued all Lucania, and carried away hostages.

[1] 'Cornelius Lucius Scipio Barbatus
Gnaivod patre prognatus fortis vir sapiensque
Quoius forma virtutei parisuma fuit
Consol censor ædilis quei fuit apud vos
Taurasia Cisauna Samnio cepit
Subigit omne Loucana opsidesque abdoucit.'
—Orelli, *Inscr. Lat.*, i. 149. See also Sir G. C. Lewis, *Credibility of Early Roman History*, i. 188.

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Difficulties in the narrative.

If we compare this eulogium with the historical narrative of Livy we meet with contradictions which appear irreconcilable. According to Livy,[1] Scipio never commanded but in Etruria, where he fought a drawn battle with the Etruscans at Volaterræ, gaining great spoils but making no conquests. His colleague in the consulship, Cn. Fulvius, on the other hand, fought, according to Livy, with success against the Samnites at Bovianum. The towns of Taurasia and Cisauna are not mentioned, and are altogether unknown. Finally, Livy says nothing of a defeat of the Lucanians. It might seem, then, that we are compelled to pronounce the story of Livy to be erroneous, or the epitaph to be forged. Yet, on a closer examination, we find that there is in both a nucleus of historical truth, that in one point they mutually confirm one another, but that both suffer from the fundamental fault of the Roman annals—from boundless exaggerations and misrepresentations.

Treaty with the Lucanians, 298 B.C.

The treaty of Rome with the Lucanians was renewed in the year 298 B.C., when the latter, owing to the attacks of the Samnites, thought it advisable to call in the assistance of the Romans. On this occasion the Lucanians, as a pledge of their fidelity, sent a number of hostages to Rome—a precautionary measure which the Romans, knowing the inconstancy of the Lucanian character, from their experience in former wars, found quite necessary.[2] This took place during the consulship of L. Cornelius Scipio Barbatus, and he was himself probably intrusted with receiving the hostages. So far the annalistic accounts of Livy and Dionysius agree with the epitaph of Scipio. But the family vanity of the Scipios was not satisfied with such an insignificant part played by L. Cornelius. With the usual and unscrupulous exaggeration of Roman family chroniclers, a war and the subjection of the whole of

[1] Livy, x. 12.

[2] Livy, x. 11. Dionysius, xvi. 11. Perhaps the hostages were taken from the families of the party hostile to Rome and friendly to the Samnites, as supposed by Niebuhr, *Röm. Gesch.*, iii. 420; English translation, iii. 360.

Lucania were premised as preliminary steps to the reception of hostages.[1] For could it be supposed that Rome should conclude a treaty of peace with a foreign nation unless she had first defeated them?[2] That such an exaggeration is first found in a family document is quite natural, and it is almost to be wondered at that the fable of the entire subjection of the Lucanians was not received into the current history of the nation compiled from such materials. This would certainly have been done if there had not been in existence in the time of the third Samnite war some independent historical records, which to some extent controlled the licence of the family panegyrists.

Conquest of Taurasia and Cisauna.

The conquest of Taurasia and Cisauna in Samnium, which is mentioned in the epitaph, may be received as historical, although Livy does not refer to it; but these places may have been very small and insignificant, as they are not further mentioned and their locality cannot be determined.

Alleged Etruscan campaign of Scipio.

It is strange that the epitaph of Scipio says nothing of his alleged campaign in Etruria, which Livy dwells upon at length, and in which a family eulogist would surely have found materials for ample praise. We are justified by this discreet silence in supposing that the whole of that Etruscan campaign is a fiction, and to this conclusion we are led by general considerations. The Etruscans and the Umbrians were, by their geographical situation, exposed to the first attacks of the Gauls, and had no choice but to

[1] Such exaggerations, however, could not be ventured upon, it seems, even in the recess of a family sepulchre, whilst the memory of events was uncorrupted by lapse of time. It is, therefore, probable that the epitaph in question was not composed immediately after the death of Scipio. In the first Punic war, however, when a whole generation had passed away, family vanity had free scope to deal with the events of the third Samnite war as it seemed desirable. The epitaph of the elder Scipio is therefore certainly not older than the time of the first Punic war, and it bears moreover internal evidence of being later than the epitaph of L. Cornelius Scipio, consul of 259, found in the same family tomb.—See Ritschl, *Rhein. Museum*, 1854, p. 1 ff. It often happens that the first portraits in a family gallery and the first chapters of a family or a national history are of more recent origin than some which follow in the line.—See above, p. 279 *et seq.*

[2] See above, p. 155.

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look to Rome for assistance. They always did this when an invasion of the Gauls was expected.[1] Accordingly we cannot conceive any of the Etruscan and Umbrian wars to have been possible. The alleged campaign of Scipio is one of these. It is moreover condemned as unhistorical by the character of the narrative itself. Livy describes a number of warlike operations which have neither meaning nor object nor result, except that in the end the Romans make 'much booty.'[2] He relates[3] that the Etruscans had intended to break the peace with Rome, but were prevented by an attack of the Gauls from carrying out this intention.[4] The Gauls, then, as is further related, were persuaded by money to desist from attacking Etruria, but would not consent to march upon Rome. Now the Etruscans, having narrowly escaped a war with the Gauls, began, without provocation, a war with Rome, and this war ended without any result. If such wonderful vagaries

[1] For instance ten years later, as related by Polybius (ii. 19 §§ 7, 8) and again in 325 B.C. on which occasion Polybius (ii. 23) remarks: *συνηργεῖτο δ'αὐτοῖς* (*i.e.* *Ῥωμαίοις*) *πάντα καὶ παντα χόθεν ἑτοίμως· κατατεπληγμένοι γὰρ οἱ τὴν Ἰταλίαν οἰκοῦντες εἰς τὴν τῶν Γαλατῶν ἔφοδον, οὐκ ἔτι Ῥωμαίοις ἡγοῦντο συμμαχεῖν οὐδὲ περὶ τῆς τούτων ἡγεμονίας γίγνεσθαι τὸν πόλεμον, ἀλλὰ περὶ σφῶν ἑνόμιζον ἕκαστοι καὶ περὶ ἰδίας πόλεως καὶ χώρας ἐπιφέρεσθαι τὸν κίνδυνον.* Succeeding writers are more and more given to the folly of representing the Etruscans as the enemies of Rome. Livy (x. 18) implies at least, though he does not say explicitly, that *not all* the Etruscans and Umbrians were hostile. But Florus (i. 17) says: 'Etruscorum duodecim populi, Umbri ad id tempus intacti, Samnitium reliqui in excidium Romani nominis conspirant.' Whilst Polybius (ii. 19), speaking of the war between Rome and the Gauls of 285 B.C., mentions the Etruscans of Arretium as the allies of Rome, Appian (iii. 6; iv. 11) considers them as auxiliaries of the Gauls. The Roman writers made of a war *in* Etruria a war *against* Etruria. Error very conveniently came to the assistance of national vanity.

[2] The battle of Scipio has a suspicious resemblance to that which Valerius Publicola fought with the Veientines in the first year of the republic (Livy, ii. 6). Livy relates (x. 2): 'Pugnatum maiore parte diei magna utrimque cæde. Nox incertis qua data victoria esset intervenit. Lux insequens victorem victumque ostendit.' What a poverty of invention does such a repetition argue!

[3] Livy, x. 10.

[4] The annals of this time, we should think, can hardly be expected to record intentions of a foreign power which were not carried out. Those who report what they *cannot* know, should always be suspected.

were recorded by trustworthy contemporary witnesses, we should accept them with astonishment and try to understand them; but the evidence which we possess is not of a character to bear down the doubts suggested by the narrative; and even if the epitaph of Scipio, instead of being silent on the Etruscan war, were to agree with Livy's account, we should feel justified in doubting its truth.

Renewed inroads of the Gauls.

The great migration of the Celts, which in the first half of the third century before Christ threatened the civilised countries of antiquity on the Mediterranean Sea, and which terminated in the foundation of the Galatian State in Asia Minor, affected Italy also, and the Gauls actually took a part in the wars of the native populations. The news of the approach of new Gallic hordes had already occasioned some anxiety in Rome, and, as we have supposed, given cause for the establishment of the colony of Narnia.[1] But principally the Umbrians and Etruscans were threatened by the invaders. The Samnites had, on account of their geographical position, their wild mountains, and their poverty, nothing to fear from the Gauls—on the contrary much to hope, if they could only ally themselves with them against Rome. It is not unlikely that just now the threatened invasion of the Gauls induced the Samnites to try again the fortune of war, for in a division of the Roman forces lay their only hope of success. For this purpose they sent, in the third year of the war, an army to Umbria, under Gellius Egnatius, to join the Gauls.[2] The Romans, it seems, turned their attention also towards the north, and the war in Samnium was carried on with but little energy, so that in 396 B.C. the Samnites were able to undertake another plundering expedition into Campania, and the Romans established two colonies, Sinuessa and Minturnæ, for the protection of this country. The consul Appius Claudius was sent to Etruria in the year 296 B.C.,

[1] See above, p. 456.

[2] According to the Roman version (Livy, x. 16), this army was driven out of Samnium by the Romans!

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but was not very successful,[1] until his colleague L. Volumnius came to his assistance. The danger became more and more serious, and for the year 295 B.C. the first general of the time, Q. Fabius Maximus Rullianus, was elected consul. He requested the people to give him as colleague the plebeian P. Decius Mus.[2] All preparations were now made which seemed required to meet the coming danger. The senate ordered the courts of law to be closed. Troops were levied, freedmen and freeborn Romans, old men as well as young, were called to arms.[3] This terror was probably caused by a most disastrous calamity which had overtaken L. Cornelius Scipio Barbatus, then proprætor in Etruria, and which had awakened afresh the old terror of the Gauls. A whole legion had been surprised and annihilated by the barbarians, so that, according to some reports, not one man escaped who could have brought the intelligence, and the fact was known only by the Gallic horsemen galloping up to the consuls' army, carrying on their lances the heads of their enemies, and shouting songs of triumph.[4]

[1] According to Livy (x. 18, 19, 20) he fought with the Etruscans. See, however, above. p. 462, note 1.

[2] Not less than four times (Livy, x. 9, 13, 22; Valer. Max. iv. 1) we read the story that Fabius refused to accept the consulship which was forced upon him. This was a fine opportunity for the Roman annalists to display their rhetorical bombast, nor could Livy make up his mind to let it pass by. But he was at least honest enough to say (x. 9) that the anecdote was reported by Licinius Macer and Tubero, and not by Piso, who was of older date. Livy does not mention Fabius Pictor, so that it is possible that this father of Roman history did not speak of it. It seems that some of the worst faults of the Roman annalists grew up in the time after the second Punic war, when emulation with the Greeks tempted the Roman historians to adorn the dry annals of their predecessors with effective rhetorical writing and wonderful facts.

[3] Livy. x. 21: 'Ex Etruria allatum erat . . . Gellium Egnatium Gallos pretio ingenti sollicitare. His nuntiis senatus conterritus iustitium indici, delectum omnis generis hominum haberi iussit,' etc. Livy, x. 26: 'Gallici tumultus præcipuus terror civitatem tenuit.' Zonaras, viii. 1: οἱ Ῥωμαῖοι ἐς δέος κατέστησαν. Polybius repeatedly speaks of the dread the Romans had of the Gauls, *e.g.*, ii. 23 § 7: Οἱ δ' ἐν τῇ Ῥώμῃ πάντες περιδεεῖς ἦσαν, μέγαν καὶ φοβερὸν αὑτοῖς ὑπολαμβάνοντες ἐπιφέρεσθαι κίνδυνον. ἔπασχον δὲ τοῦτ' εἰκότως, ἔτι περὶ Γαλατῶν ἐγκαθημένου ταῖς ψυχαῖς αὐτῶν τοῦ παλαιοῦ φόβου. Plutarch, *Marcell.*, 3: τὸ παλαιὸν ἄξιωμα τῶν Γαλατῶν οὐς μάλιστα Ῥωμαῖοι δεῖσαι δοκοῦσι.

[4] This disaster that befell Scipio is of course passed over in the laudatory

The consuls Fabius and Decius marched against the enemy.[1] They had under their command two consular armies, that is, four legions and a still greater number of allies, among whom one thousand Campanian horsemen are mentioned. One legion of volunteers was quickly raised by Fabius, probably in the place of that which was annihilated under Scipio. Besides these there was a third army as a reserve, under the proprætor Cn. Fulvius, at Falerii,[2] and a fourth covered Rome on the Etruscan bank of the Tiber. Rome had never before set such numerous armies on foot; but the danger was great, for, after the defeat of Scipio, the day of the Allia—the day so quickly followed by the devastation of the town—was present to the imagination of every Roman. In times of excitement and danger there is seldom a lack of miracles: nor was there any now.[3] Blood, honey, and milk flowed from the altar of the Capitoline Jupiter, and a bronze statue of the goddess of war on the Forum sprang from the pedestal on to the ground. The people turned to the Etruscan soothsayers for comfort, and to the gods for help. The senate set apart two days for supplication and prayer, and supplied, as Livy says,[4] at the public cost, wine and incense for the sacrifices. On this occasion, the ancient pride of the patrician matrons

Roman levies.

epitaph, and it is natural, not to say inevitable, that, as Livy (x. 26) says, some annalists should describe the loss of Scipio as insignificant. A detachment of Romans, as these veracious historians reported, had been sent out to forage, and was surrounded by their enemies, called Umbrians this time, not Gauls (a variation which shows how recklessly the Umbrians were dragged into the history of the war); but Scipio came to the assistance of his men and put the Umbrians to flight, capturing from them all the booty and prisoners they had taken.

[1] Livy (x. 24) fills a few pages with rhetorical verbiage to describe a dispute between Fabius and his colleague Decius; then he concludes with the remark, that, according to some of his authorities, the dispute never took place at all, but that, according to others, Appius Claudius also was involved in it. Livy shows great self-denial by foregoing the opportunity for displaying his oratorical skill in the speeches of Appius.

[2] This reserve was necessary against the Gauls, just as in the year 285 B.C. (Appian, iii. 6; iv. 11) and in the year 225 B.C. (see Polybius, ii. 23).

[3] Livy, x. 23. Zonaras, viii. 1. See Niebuhr, *Röm. Gesch.*, iii. 437; English translation, iii. 374.

[4] Livy, x. 23: 'Publice vinum ac tus præbitum.'

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showed itself once more. While their husbands and sons were side by side in the field with their plebeian comrades, they could not bring themselves to pray with plebeian women in the temple of the goddess of chastity. The plebeian matrons, excluded from the patrician temple of chastity, established a sanctuary of their own, and thus the old fire of discord continued to smoulder in the hearts of the women and on the altars of the gods.

Battle of Sentinum, 295 B.C.

The Roman army did not wait for the march of the Gauls upon Rome. It crossed the Apennines and ventured into countries which no Roman soldier yet had trod. Without the assistance of the allied Umbrian towns, in whose territory the passes were, the Romans could not have hazarded such a bold march, especially after the defeat of Scipio. At Sentinum, on the eastern slope of the Apennines, near to the pass by which afterwards the Via Flaminia crossed the mountains, they met the united forces of the Gauls and the Samnites.[1] A description of the battle such as that given by Livy is only a play of the fancy. We will not reproduce it. But one part of Livy's description seems to deserve credit. He speaks of the Gallic war-chariots, which the Romans encountered here for the first time, and which caused great consternation.[2] The consul Decius died in the battle, it is said, like his father in the battle near Mount Vesuvius, a voluntary death, having devoted himself with the hostile army to the gods of earth and of the grave. The enemy were completely beaten, their army destroyed, and the war with the Gauls terminated at one blow.[3] It was a great deliverance. Rome

[1] That Etruscans and Umbrians were in the hostile army was not asserted even by those annalists who took particular pleasure in swelling the number of the enemies of Rome. Nor was a reason wanting to account for their absence. The Etruscans, it was said, had left their allies upon the news that the Roman reserve corps under Fabius had invaded their country.

[2] Livy, x. 28: 'Novum pugnæ conterruit genus; essedis carrisque superstans armatus hostis ingenti sonitu equorum rotarumque advenit et insolitos eius tumultus Romanorum conterruit equos.' It is strange, however, that in none of their previous encounters with the Romans the Gauls should have made use of war-chariots.

[3] When Fabius triumphed, the soldiers sang in rude verses his victory and the self-devotion of Decius. Of the spoils every soldier received a cloak, a

breathed afresh, as it did again in a later age after the victory of Marius over the Cimbrians and Teutons. For the first time the dreaded enemies were beaten in the field, and so beaten that they relinquished, at least for the time, every idea of continuing the war. Ten years passed before the barbarians had so far regained strength as to venture on another invasion of the centre of Italy. The Romans felt themselves to be quite a match for their other opponents, their old Italian neighbours and accustomed enemies, and now, after the defeat of these foreign invaders, they might entertain the hope of soon bringing the Samnite war to a close.

Samnite inroads into Campania.

While the Roman armies were fighting the Gauls and their Samnite allies in Umbria and Etruria, they had not only recalled their troops from Samnium, but had also left their colonies and allies without sufficient protection. The Samnites did not fail to avail themselves of this opportunity. They made inroads into Campania, and laid waste the fruitful districts on the Volturnus.[1] But they did not confine themselves to plundering. They tried to get possession of the forts which the Romans had built all along their frontier. In the west they besieged Interamna on the Liris,[2] and in the south-east the important colony of Luceria, which commanded the Apulian plains. It is evident that the diversion of the Gauls had benefited them, and that they had not suffered much by the battle of Sentinum, in which only a small number of Samnite troops can have been engaged. It was fortunate for Rome that the war in the north ended so quickly and decisively. The consuls of the following year, 294 B.C., L. Postumius Megellus and M. Atilius Regulus, could now both turn their attention to the scene of war in the south. But fortune did not favour them. From the confessions of Livy we see clearly that the Romans were more than

coat, and eighty-two pieces of copper (Livy, x. 30). The couplets sung by the soldiers on the occasion of the triumph were easily remembered, and formed a kind of popular history of the war, from which the earliest annalists may have received part of their information.

[1] Livy, x. 20, 21.

[2] Livy, x. 36.

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once in great distress.[1] The accounts of the several annalists differed in many particulars. But, according to Livy, all were agreed in this, that the Romans, in their attempt to deliver Luceria, suffered a decided repulse, and that the total destruction of the army was warded off only with the greatest difficulty. Luceria, it is true, seems not to have fallen into the power of the Samnites, but of more than this the Romans could not boast in this year. Yet the annalists related the conquest of some places in Samnium. In Livy's account every disaster is compensated by victories, and one of the consuls can actually be spared in Samnium, marches with his army to Etruria, defeats the Etruscans, and compels Volsinii, Perusia, and Arretium to sue for peace.[2] The inevitable triumphs are not wanting.

[1] Livy, x. 32 ff. The consul Atilius is surprised in his camp during the night; the Samnites force their way into the camp, penetrate as far as the tent of the quæstor L. Opimius Pansa, who is killed, and are with difficulty driven out of the camp again. The Romans, for a wonder, lose more in killed than the Samnites (730 against 300). But now the consul Postumius comes to the rescue. The Samnites retire. Postumius takes Milionia, where 3,200 Samnites are killed, 4,700 captured; then he occupies several towns abandoned by the Samnites. Meantime the consul Atilius has harder work in Apulia (Livy, x. 35: 'Nequaquam tam facile bellum fuit'). He marches upon Luceria, which the Samnites are besieging. An undecided battle is fought (Livy, ibid.: 'Prælium varium et anceps fuit, tristius tamen eventu Romanis'); the Romans retire to their camp in dismay, and dread an attack of the Samnites (ibid.: 'Terror in castris ortus . . . sollicita nox fuit iam invasurum castra Samnitem credentibus aut prima luce cum victoribus conserendas manus'). The battle is renewed on the following day. The Roman soldiers can hardly be brought to face the Samnites. An attack of the Roman horse fails; they ride down their own men; the whole army turns to flight (ibid.: 'Turbatus eques sua ipse subsidia territis equis proculcavit; hinc fuga cœpta totam avertit aciem Romanam'). The consul vows a temple to Jupiter Stator, if the legions stop their flight. Now at length fortune turns, the Samnites are defeated, 4,800 are killed, 7,200 taken. But the Romans too had lost 7,800 men. In reading Livy's vivid narrative one almost forgets that the whole is a fancy picture, less to be trusted than even Horace Vernet's battle scenes in Versailles.

[2] The whole of this Etruscan campaign is a fiction, like that of the year 299 (see p. 461). Livy (x. 37) says of it: 'Pax clarior maiorque, quam bellum in Etruria eo anno fuerat, parta est.' This does not prevent him talking of the slaughter of a few thousand Etruscans, for it was necessary, according to Roman notions, that a peace should be preceded by a victorious war (see above, pp. 155, 461). What gave rise to the report of an Etruscan war was in fact nothing but the renewal of the treaty of peace and friendship with Arretium and

According to the Capitoline Fasti—the most mendacious documents of Roman history—both consuls triumphed; according to Livy, Postumius triumphed, but not Atilius; according to Claudius Quadrigarius, it was just the other way—Postumius did not triumph, but Atilius; according to Fabius, neither the one nor the other triumphed, and this testimony of the old annalists seems alone to deserve credit.[1] We may be sure that the year 294 B.C. was, on the whole, not favourable for the Romans, that they sustained much loss in the field, but that the Samnites were not in a condition to take the Roman fortresses and to attack the Roman territory.

Campaign of Papirius and Carvilius.

This result is confirmed by the great exertions which both parties in the following year found it necessary to make. At Interamna, on the Liris, which had been sacked and plundered by the Samnites, a Roman legion was stationed, in order to protect those parts from new attacks. Both consuls of the year 293, L. Papirius Cursor, the son of the Papirius so often mentioned in the second Samnite war, and Sp. Carvilius, conducted the war in Samnium, conquered the Samnites in a great battle at Aquilonia (situation unknown), took many fortresses, and laid the country waste. The reports of their exploits,

Perusia, concluded in 310 B.C. (Livy, ix. 37), for which many reasons can be imagined. A war between the Etruscans and the Romans is in the highest degree improbable. Even supposing that the Etruscans had been hostile to Rome before the defeat of the Gauls at Sentinum (a supposition which, however, is not to be entertained), they would surely after that battle have been glad to make peace; moreover the Romans, after their acknowledged losses in Apulia, were in no condition to send, in 294 B.C., an army into Etruria. The confusion and the contradictions of the annalists with regard to the question which of the two consuls commanded in Etruria show that nothing really noteworthy could have been done in that country. Livy (x. 37) winds up with the following remarks, highly significant of the trustworthiness of his narrative: 'Et huius anni parum constans memoria est. Postumium auctor est Claudius in Samnio captis aliquot urbibus, in Apulia fusum fugatumque, saucium ipsum cum paucis Luceriam compulsum; ab Atilio in Etruria res gestas, eumque triumphasse. Fabius ambo consules in Samnio et ad Luceriam res gessisse scribit, traductumque in Etruriam exercitum (sed ab utro consule non adiecit) et ad Luceriam utrimque multos occisos.'

[1] The pretended triumph of Postumius is placed by Dionysius (xvi. 18) three years later.

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especially those of Papirius, are of the kind which might lead us to fancy that the war must practically have come to an end. But to our surprise we hear not only that at the close of the campaign the legions of Papirius wintered in the neighbourhood of Vescia, to protect Campania, but that the Samnites had in the following year an undisputed superiority over the Romans. We must therefore entertain serious doubts with regard to the victories of Papirius, and we suspect that the domestic annals of the Papirians have done much to extol and to exaggerate the victories of the Roman arms and the heroic deeds of their own family. At the very outset, a striking family likeness is observable between the story of L. Papirius Cursor's victory and that of his father in the second Samnite war, 309 B.C. In each of these years the Samnites make extraordinary preparations, and, contrary to their usual habits, take refuge in religious fanaticism. In both cases a consecrated body of warriors is chosen, distinguished from the rest of the army by a peculiar dress, and sworn with the most solemn oaths to conquer or to die.[1] In both accounts the Samnites, whom we can only imagine to have been poor mountaineers, are represented as covered with gold and silver.[2] The triumphs of the two Papirii are distinguished by the splendour of the spoils. In the first case the Forum is hung with gold and silver shields; the younger Papirius decorates not only the temple of Quirinus and the Forum, but distributes the

[1] Compare Livy, ix. 40 and x. 38. The second of these passages contains the detailed account of the mode of swearing the devoted warriors. The former passage, however, is more accurate in describing their arms. Livy says (x. 38) that the consecrated band was called 'legio linteata,' after the linen tent in which the solemn act of taking the oath was performed. This is an error; the name was taken from the 'tunicæ linteæ candidæ' which distinguished these soldiers from the rest, according to Livy himself (ix. 40): 'Prior forte Iunius commovit hostem . . . sacratos more Samnitium milites, eoque candida veste et paribus candore armis insignes.'

[2] In keeping with this is the report (Livy, x. 46) that at the triumph of Papirius 1,830 pounds of silver and 2,533,000 pounds of copper were exhibited and conveyed to the public treasury.

spoils also to the allies and to the colonies, to ornament their temples.[1]

In spite of the losses which it is reported that the Samnites suffered in the year 293, they were neither exhausted nor discouraged. They appeared, on the contrary, in the new campaign, 292 B.C., again decidedly to have the advantage. The newly elected consul, Q. Fabius Maximus Gurges, the son of the chief hero of the war, suffered a reverse in which the Romans lost 3,000 dead and many wounded.[2] The numbers of dead and wounded[3] which are reported in these battles are of no historical value, but a confession of this kind shows at least that the Romans were decidedly beaten. The disaster, however, is said to have been repaired very soon by a victory over the Samnites; the old Q. Fabius, the consul's father, requested to serve under his son as legate, and now the Samnites were defeated. The consul triumphed; and before his

Campaign of the year 292 B.C.

[1] It seems to have been a speciality of the Papirian family chronicles to note with particular care all matters that had reference to religious ceremonies. Livy relates (x. 46) that in the night before the battle the consul rose from his couch and ordered the keeper of the sacred fowls (*pullarius*) to ascertain the will of the gods; that the fowls refused to feed, which was a bad omen; but that the priest, sharing the general ardour of the army, gave a false report and announced happy signs; that Papirius was privately informed of the truth by his nephew, but paid attention only to the official report, and gave the signal for battle, leaving to the gods the task of punishing the priest for his falsehood. Livy goes on to relate that the pullarius, fighting in the foremost ranks, was killed by the first hostile spear, and that thereupon the consul exclaimed: 'The gods are present among us, and have struck down the guilty head.' And when he had said this, a raven gave, with a loud screech, a happy omen of victory. Then, in the heat of the battle, the consul vowed to offer to Jupiter Victor a cup of sweet wine before he himself should have moistened his lips. This characteristic story, like the detailed accounts of the consecration of the devoted Samnite bands, looks as if it was taken from the traditions of a family which paid special attention to religious things. Such a family was that of the Papirii. A Papirius had made a collection of the old ceremonial laws known at a later time as the jus Papirianum, and supposed to contain the laws of the Roman kings.—See Schwegler, *Röm. Gesch*, i. 24, Anm. 5.

[2] Zonaras, viii. 1, 11. Suidas, s. v. Φάβιος Μάξιμος. Eutropius, ii. 5. Livy, epit. xi.

[3] The wounded are very seldom mentioned in the reports of battles. It is probable that a man struck down might be looked upon as killed. The medical staff of the armies of the ancients was no doubt the least effective branch of the service. It is so even with modern armies.

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triumphal car walked in chains the victor of Caudium, the high-minded C. Pontius, whom the Romans, destitute of all magnanimity and humanity, delivered up to death by the hand of the executioner. But the Samnites were not yet broken to the yoke. They were only driven back into their mountains by the preponderance of Roman strength. Their resistance was at length overcome in 'great battles,'[1] by M. Curius Dentatus, the consul of the year 290, as we learn from the only authority extant, the meagre abridgment of Eutropius, and from the short argument of the lost eleventh book of Livy. But after all they concluded an honourable peace, which acknowledged their independence.[2]

End and character of the third Samnite war.

The third Samnite war appears, therefore, even in the Roman reports, which are alone handed down to us, by no means as an unbroken series of victories on the part of the Romans. On the contrary, it almost seems that the Romans, in spite of repeated defeats in the field, only maintained on the whole the upper hand through their greater perseverance, their political and diplomatic superiority over the Samnites, and through the greater inherent strength of their state, which, as we have said before, was the most powerful in Italy at that time; and, like the wars with Pyrrhus, with the Carthaginians, the Gauls, the Spaniards, and the Lusitanians, the third war with Samnium plainly shows that the Roman constitution, with its rapid change of military commanders elected by popular suffrage, was labouring under disadvantages, scarcely outweighed by the thorough military training, the calm heroism, and the common obligation of the citizens to serve in the army.[3]

Exhaustion of the Samnites.

The Romans concluded peace without having completely defeated the Samnites. Samnium retained even

[1] Eutropius, ii. 5. [2] Livy, epit. xi.: 'Fœdus renovatum est.'

[3] 'The common obligation of the citizens to serve in the army' is rather a clumsy way of expressing the German 'Allgemeine Wehrpflicht,' which, as it does not exist in England by law, is ignored by the English vocabulary. It is a very true remark which Livy puts into the mouth of Scipio Africanus (Livy, xxvi. 41); 'Ea fato quodam data nobis sors est, ut magnis omnibus bellis victi vicerimus.'

now its independence. No Roman colony was established in the country of the Samnites, no portion of it was taken from them. Still the success of the Roman policy was great. It was proved now that the Samnites were unable to shake the republic. These brave mountaineers were exhausted at last. From this time the Samnites did not venture again to take up the struggle against Rome with their own unaided strength. Their only hope for the future was, by uniting themselves to some of Rome's powerful enemies, to avenge themselves on the hated town which had stopped them in their progress, and had snatched Campania from their grasp. Among the mercenaries of Pyrrhus, among the allies of Hannibal, and even in the civil war in their dying struggle with the iron Sulla, they showed even to their last breath their old courage and inextinguishable hatred of Rome.

The colony of Venusia.

As after the end of the second Samnite war, so now, the senate was intent on securing by Roman colonies the ground that had been gained. On the borders of Samnium, Apulia, and Lucania, the colony of Venusia was established, and the extraordinarily large number of 20,000 colonists sent there.[1] Thus they had a stronghold in the midst of former enemies and doubtful friends; its position in the neighbourhood of Tarentum pointed to the direction from which the next war-storm would burst over Italy.

Subjection of the Sabines.

The long wars with Samnium were followed by the subjection of the Sabines.[2] These had been quiet and hardly mentioned for a century and a half. What their policy had been during the Samnite wars is nowhere stated. They were certainly not among the enemies of Rome; for we should in that case have heard of Roman victories over them. Most probably they were, like the Marsians, Apulians, and Lucanians, allied with Rome, though their services are never mentioned.[3] They were

[1] Velleius Paterculus, i. 14. [2] Livy, epit. xi.

[3] This is the usual practice of the Roman historians. See above, p. 276, with note 1.

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now made Roman citizens without the full franchise,[1] *i.e.* subjects of Rome, preparatory to their reception into the tribes and to the enjoyment of all the rights of Roman citizens.[2]

The History of Livy.

Our knowledge of the last three years of the war and of the subsequent events is extremely scanty, for the tenth book of Livy breaks off with the year 292 B.C., and as the whole of the second decade, containing books eleven to twenty-one, is lost, we are deprived for the time from 292 B.C. to 218 B.C. of the guide who has accompanied us so far in doubtful and intricate paths. We begin to feel his real worth at a time when his history is wanting. It is true he has often disappointed our expectations. He has omitted conscientiously to collect, compare, and sift the materials for the ancient history of Rome, which were accessible to him in abundant stores. He did not give himself the trouble to solve doubts and remove difficulties, even where it was possible for him to do so. Partly owing to indifference for historical accuracy in the older parts of his work, and partly because he preferred to occupy himself with narratives of dramatic effect and with the display of rhetorical skill, he is silent as to the contradictions that present themselves, and passes quickly over wide gaps. The spirit of the ancient times of the Roman people is beyond his grasp. His feelings and opinions are those of the declining republic. These he applies to the old time. That which has disappeared or faded away he cannot conjure up and invest with new life. He is moreover a partisan and a Roman patriot. He stands always on the side of the

[1] *Cives sine suffragio.*

[2] Velleius Paterculus, i. 14. This notice, however, can refer only to a small portion of the Sabines, for they appear, even in much later times, to have ranked among the allies (fœderati) of Rome. Polybius (ii. 24) mentions them as belonging to the same class as the Etruscans and Umbrians. They were at that time not even socii, like the Latins and Samnites (see Appendix to vol. ii.). Livy (xxviii. 45) mentions an ager Sabinus, and, besides, the towns of Reate, Nursia, and Amiternum, *i.e.*, the most important Sabine towns. This shows that the notions of the ancient historians about the geography of the country of the Sabines were very vague.

aristocratic party, and has nothing but blame for the wicked tribunes and the despicable, selfish crowd. Towards the enemies of Rome he is heartless and unjust, while he loses no opportunity of praising Roman virtue. The degeneracy of his contemporaries made him an enthusiast for the old heroes, and guides his pen when he paints antiquity in the golden light of bygone days. But we take Livy with all his faults, for with them he gives us rich historical materials which without him would have been entirely lost to us. He worked with perseverance, love, and enthusiasm. He neither falsified nor misrepresented anything knowingly. Where he has erred, it has been from want of observation, critical discrimination, and trustworthy materials. These faults become of less and less consequence the further he leaves the legendary times behind and approaches those of contemporary witnesses. We should only learn fully to appreciate his worth if an unhoped-for piece of good fortune could restore to us the one hundred and seven lost books of the grandest historical work of Roman antiquity.

CHAPTER XIII.

EXTERNAL HISTORY TILL TARENTINE WAR, 290–282 B.C.

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Invasion of Etruria by the Senonian Gauls.

AFTER the decisive overthrow which the Gauls suffered at Sentinum 295 B.C.[1] they were quiet for ten years. But in the year 285 B.C. the Senonian Gauls invaded Etruria again, and besieged Arretium, which was in friendly relations to Rome.[2] The Romans came to the assistance of the Arretines, but were completely overthrown, and lost 13,000 men, including the prætor L. Cæcilius Metellus and seven military tribunes. The remainder of the army were made prisoners. This defeat—one of the most disastrous in the older Roman history—was calculated to revive the ancient terror of the northern barbarians. It was scarcely a consolation for the Romans[3] who suffered such blows, that in this school of war they were trained into soldiers fit to encounter the enemies who were soon to try their metal. The detailed account of these events is unfortunately lost with Livy's books. Otherwise we should have heard what impression the fearful news created in Rome, and how it called forth not only pain and grief, but at the same time the determination to defy and resist the enemy. Above all things new legions were levied, and it was then determined to send an embassy to the Gauls to negotiate for the release of the prisoners. But the intoxication of victory had completely maddened Britomaris, the savage chieftain of the Gauls.

[1] See p. 466. [2] Polybius, ii. 19.

[3] Polybius remarks (ii. 20): *Ἐκ δὲ τῶν πρυειρημένων ἀγώνων δύο τὰ κάλλιστα συνεκύρησε Ῥωμαίοις· τοῦ γὰρ κατακόπτεσθαι συνήθειαν ἐσχηκότες ὑπὸ Γαλατῶν οὐδὲν ἠδύναντο δεινότερον ἰδεῖν οὐδὲ προσδοκῆσαι τῶν αὐτοῖς ἤδη πεπραγμένων.*

Reckless of the law of nations, he caused the ambassadors to be put to death, as an atoning sacrifice to his father, who had fallen in the last battle. This inhuman deed met with an inhuman punishment. The new Roman army, under the consul P. Cornelius Dolabella, entered the country of the Senonians to carry on a war of extermination. The whole race of the Senonian Gauls was destroyed, the men were put to death, the women and children became slaves, the country was declared public land of Rome, and a colony of Roman citizens established in Sena, to people the devastated country and to prevent for all future time a new settlement of Gauls (285 B.C.).

Defeat of the Boian Gauls.

Besides Sena, the colonies of Castrum and Hatria were founded on the coast of the Adriatic, and thus, for the first time, a firm footing was obtained on that side of the peninsula which looked towards Greece. The intention of the Romans was plain. From defence they had proceeded to attack. The Apennines had been crossed. Three Roman fortresses had been established on the other side. The country of the Gauls in Italy lay open before them. It was necessary for them to consider how they would oppose the further encroachments of Rome. The Boians, a race of Gauls dwelling between the Apennines and the Po, tried once more the fortune of war. Reinforced by the remnants of the Senonians, and by bands of Etruscans, who probably belonged to the democratic party hostile to Rome, they crossed the Apennines, but were defeated near the Tiber, on the Vadimonian Lake, and a second time at Populonia, so decisively that they relinquished all hope of success for the future, and concluded peace with the Romans, whereby the latter gained liberty to meet the dangers threatening from the south of the peninsula.

Policy of the Etruscans.

It is a very important question which side the Etruscans took in these wars of the Gauls against Rome. In the received account the Etruscans are the ancient hereditary enemies of Rome; it is they who call in the Gauls to make common cause with them. How mistaken this view is with

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regard to similar events in the third Samnite war we have already seen.[1] It is possible that isolated bands of Etruscans, driven from their homes, joined the Gauls. Political parties have seldom shrunk from making common cause with the enemies of their country, and we have many indications of violent internal struggles in the Etruscan towns, which led to the interference of Gauls or Romans. The first invasion of the Gauls in the year 391 B.C. was occasioned, according to the legend, by a plebeian of Clusium, who, finding no protection in the laws against patrician violence, tempted the Gauls to cross the Alps by making them acquainted with the productions of his fertile country, especially with the southern wines.[2] This story is of course invented, but the invention presupposes a state of things favourable to the interference of foreigners. Such was also the case in Arretium, where the ruling house of the Cilnians, shortly before the third Samnite war, 301 B.C., being expelled by the people, sought and found help with the Romans.[3] The Romans were at all times the friends of the aristocratic party in the Italian states, and were prepared to draw political advantages out of this friendship. Thus the popular party were driven to join the enemies of Rome, and therefore in every collision between Romans and Gauls in that country, Etruscans were ranged against Etruscans in the ranks of foreign armies. The state of things in Etruria, and the relation of political parties there to Rome, are illustrated more especially by the events which took place in Volsinii, a town that may be considered to have been about this time the head of the Etruscan confederation. The events to which we refer, it is true, belong to a somewhat later period, the year 265 B.C., twenty years after the battle of Arretium, and only one year before the outbreak of the first Punic war; but the state of things in Volsinii which called them

[1] See p. 461. Niebuhr (*Röm. Gesch.*, iii. 321; English translation, iii. 274 *et seq.*) remarks that the danger from the Gauls was the cause of the good understanding and long peace between Etruria and Rome.

[2] Livy, v. 33.

[3] See above, p. 457.

forth is clearly of a much older date, and they were evidently not isolated or exceptional phenomena, but were only indications of the development which for a long time had been going forward in the political life of the Etruscan states.

Revolution in Volsinii.

After long internal struggles in Volsinii a revolution broke out in the year 265 B.C. The nobles lost all share in the government, which they had obstinately refused to share with the commonalty. A democratic government was established, and it is very likely that the revolution was carried out with much severity and cruelty. The lower class of people in Etruria were no doubt incapable of the moderation of the Roman plebs, and the Lucumones or nobles had not the political wisdom of the Roman patricians. The old contrast between masters and serfs had remained, and had lost nothing in the course of time in bitterness and harshness. Hence the revolution, when it came at last, was violent, although the descriptions of it given by the Roman historians are manifestly great exaggerations.[1] It is represented by the moralising writers of the later time as a consequence of the extreme luxury and dissoluteness of the Volsinians. The citizens, becoming effeminate and weak, allowed the power to be wrested out of their hands by their own slaves, who, after having gained admittance into the senate and to the public offices, seized the whole power of the state, and retaliated upon the nobles by all sorts of exactions, spoliations, and cruelties. They put themselves in possession of the property of the rich by compelling them to make them their heirs, they forbad the social gatherings of the free-born citizens, married their daughters, committed adultery with impunity, and violated the honour of every

[1] Zonaras, viii. 7. Valer. Max., ix. 1, ext. 2. Florus, i. 21. Orosius, iv. 5. Aurelius Victor, *De Vir. Ill.*, 36. The commons of Volsinii, who were admitted to the senate and the public offices, are called manumitted slaves. In one sense this is correct, inasmuch as the plebeians in Volsinii, as well as in Rome, were the descendants of people conquered in war, *i.e.* of slaves. In a similar manner Herodotus (vi. 83) speaks of an insurrection of slaves in Argos, where we must think of the lower class of citizens, the demos or plebs. Cf. Justin, 18, 3.

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noble bride.[1] It is not difficult to recognise in this caricature the real features of the Volsinian revolution,[2] and to see that its course was not unlike the political development in Rome. The changing of the original slaves into freedmen, into clients and citizens with an inferior franchise without any share in the government and legislation; then the admission of these to the senate, to the public offices, and to all the privileges of the old citizens; the granting of the right of intermarriage, with which the right of inheritance was connected; the limitation of the patrician assemblies and clubs,[3]—all these are steps in the development of plebeian rights with which we are sufficiently acquainted in the internal history of Rome. The nobles of Volsinii would not abide, unfortunately, by the results of their internal revolution, but sought to make themselves masters of their hated opponents by foreign aid. They secretly sent an embassy to Rome, to bring about the intervention of the Roman government in their favour. The conspirators, on their return to Volsinii, were seized, tortured, and executed, together with the chief men of the aristocratic party. A Roman army now advanced before the unhappy town. Sanguinary combats took place. A fortified town like Volsinii, defended by men who were driven to despair and doomed to die, could not be taken at the first onset. The Roman consul, Q. Fabius Gurges, was killed. M. Valerius Flaccus followed him in the command, blockaded the town, and reduced it at last by hunger. A bloody sentence was now passed on the leaders of the popular party. In this fatal revolutionary war the venerable

[1] Valer. Max., ix. ext. 2; 'Ac ne qua virgo ingenuo nuberet cuius castitatem non ante ex numero ipsorum aliquis delibasset.' This reminds us of the alleged feudal right of the French nobility.

[2] Compare the just remarks of Niebuhr, *Röm. Gesch.*, i. 131; English translation, i. 124.

[3] The 'coitiones,' *i.e.* associations and clubs, chiefly for the purpose of influencing the elections, seem to have been very obnoxious to the political moralists of Rome. They are invariably condemned as illegal or pernicious, and no doubt often were so.—Livy, iii. 35, 65; vii. 32; ix. 26. Cicero, *Planc.* xxii. 53.

and wealthy town of Volsinii perished. It was sacked and destroyed; the democratic party was annihilated, the wretched remnants of the nobility were restored to power over the ruins of their native town. Volsinii never rose from the ashes. A new town was built in the neighbourhood, in which the aristocratic party had the satisfaction of establishing a government to their liking. Thus dealt the Romans with a friendly town which had sought their help in her domestic troubles. The intervention in the civil war and the destruction of Volsinii were extolled in Rome as a victory over Etruria. Triumphs were celebrated, and innumerable works of art and rich spoils, which, in the lapse of ages, had been collected in the metropolis of Etruscan art and civilisation, were carried off to adorn the Forum and the Capitol.

Inaction of the Gauls.

If at this time the Gauls had been in a position permitting them to oppose the Romans, they would most assuredly have befriended the oppressed popular party in Volsinii, but after their defeat at the Vadimonian Lake, they kept quiet for forty-five years. This was the period during which swarms of Gauls overran Macedonia and Greece. Rome knew how to make use of this respite, by overthrowing one of the now useless bulwarks against which, in former years, the Gallic onsets had been broken.

Change in the character of the Etruscans.

The Romans succeeded in the destruction of Volsinii and in the subjection of Falerii, which took place in the year 292 B.C.,[1] without any attempt on the part of the other Etruscan towns to oppose their aggression. The Etruscans exhibited now the same indifference to the fate of their countrymen as a hundred and thirty years earlier when Veii was attacked, and, after a siege of ten years, destroyed by the Romans. The warlike spirit of this people had evidently fled. They lived now only for sensual pleasures. For a period of nearly two hundred years history has next to nothing to relate of them. Their pacific relations to Rome remained unbroken, and this

[1] Zonaras, viii. 1.

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enabled them to practise the arts of peace, to cultivate their land like a garden, and to create innumerable works of art, which attest their superior talent and great wealth. They joined in no conspiracy against Rome with the peoples of southern Italy, with the Samnites, the Lucanians, the Tarentines, or with Pyrrhus. When Pyrrhus appeared in the neighbourhood of Rome, after his victory at Heraclea, and hoped to find the Etruscans willing to join in a war against Rome, all was tranquil in the whole of Etruria. Rome was quite safe on this side, and could direct all her energies to the south.

Condition of the Italian Greeks.

The strength of the Samnites had been broken in the third war. They could no longer hope to oppose the extension of the Roman power in the southern districts of the peninsula. The establishment of the colony of Venusia was the first step by which Rome prepared her lasting dominion over that district. The turn was now come for the Greek towns on the coast, which till now had taken no part in the wars of the Romans and the Italians, and who, conscious of their own weakness, entertained the hope of prolonging their own independence through the internal struggles of the Italian nations. As soon, however, as a decided superiority of one or the other of the belligerent powers was established, it became clear that the independence of the Greek towns was gone. There had been a time when they might have hoped to Hellenise Italy. They could have accomplished this object if they had been united, and prepared to sacrifice a portion of their local independence for the common good. That time was past. They had now no choice but to be absorbed by the natives of Italy. This was the unavoidable consequence of their mutual jealousy and their murderous wars among themselves.

Thurii was the first Greek town which was drawn towards Rome. Hard-pressed by the Lucanians, who were in the habit of breaking into the wealthy Greek settlements as the animals of the forest invade the fields and the flocks of man, the people of Thurii applied to Rome for help.

The Lucanians had rendered much important service to the Romans in the third Samnite war. They probably thought themselves justified, after the peace with the Samnites, in paying themselves, by laying under contribution Greek cities which were at the same time wealthy and unable to make a stout resistance. Perhaps they contemplated even the conquest and lasting possession of Thurii. They had just seen a Greek town seized by countrymen of their own, and were no doubt eager to follow such a shining example. The Sabellian mercenaries who had served in Sicily under Agathokles had surprised the Greek town of Messana in Sicily, had massacred all the men capable of bearing arms, and lived now in abundance and luxury. The Romans could not allow a similar capture of an Italian town by a warlike people like the Lucanians, and so they had no hesitation in declaring war against their old allies the Lucanians, and espousing the cause of the Thurinians.[1] In this war with the Lucanians, as might be expected, Samnites[2] and Bruttians took a part. Caius Fabricius gained great victories,[3] raised the siege of Thurii,[4] and, after placing a garrison there, returned laden with spoils to Rome.[5]

Extension of the Roman power over the Greek cities.

The success of the Romans, however, was not confined to the military occupation of Thurii. Locri, Croton, and Rhegium received Roman garrisons.[6] All of the most important Greek towns along the coast were thus in the power of Rome, with the exception of Tarentum. The

[1] Dionysius, excerpt 2344. Valer. Max., i. 8, 6. The war was declared, not against the Lucanian people in general, but against Sthenius. Statilius, the commander of the Lucanians. This shows that only a band of Lucanian freebooters was concerned. Such bands must have existed also among the Samnites, and have carried on war on their own account after the Samnite nation had concluded peace with Rome. The alleged victories of the Romans over the Samnites in this period (Livy, ep. xii.) can refer only to encounters with such bodies of warlike adventurers and plunderers.

[2] Probably not communi consilio, but as freebooters.—See preceding note.

[3] Dionysius, xviii. 5. Valer. Max., i. 8, 6.

[4] Pliny, *Hist. Nat.*, xxxiv. 15.

[5] Dionysius, xviii. 7.

[6] The exact time cannot be fixed. But the period preceding the invasion of Italy by Pyrrhus seems the most likely, at least with regard to Locri and Croton, perhaps also of Rhegium. See Droysen, *Hellenismus*, ii. 122, note 56.

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possession of this town would have completed the military supremacy of Rome over southern Italy, and it seemed now a natural and legitimate object of the Roman policy. to add this keystone to the edifice. Tarentum was doomed; but, before it fell, events took place calculated to test to the uttermost the courage and energy, the perseverance and self-devotion, of the Roman people.

CHAPTER XIV.

THE WAR WITH TARENTUM AND PYRRHUS, 282–272 B.C.

CHAP. XIV. 282–272 B.C.

Condition of the Tarentines.

After the decline of Croton and the destruction of Sybaris, Tarentum was decidedly the most flourishing and the most powerful town in Magna Græcia. It was originally a Spartan colony, but had, like the other Greek towns in Italy, received in course of time a very mixed population, embracing also native Italians. The primitive aristocratic constitution had given place to a democracy, when a great number of the nobles had fallen in a bloody engagement with the neighbouring Iapygians. The constitution of Tarentum was, however, by no means a licentious or unreasonable democracy, as it is represented by the flatterers of the Romans. Aristotle speaks of it approvingly.[1] On the whole, the Tarentines have not deserved the bad name they bear.[2] Their history is perhaps the most creditable among all the Greek settlements in Italy and Sicily. If they were not so conspicuous for military virtues and brilliant exploits as the Syracusans, they were at least not exposed to the same political calamities, and were not always tossed about between tyranny and anarchy. They seem on the whole to have proceeded calmly and quietly in the regulation of their internal affairs, although among them, as in all free states, but especially in the Greek city republics, the struggle between an aristocratic and a democratic party was the mainspring of political life. We hear of no bloody collision of

[1] Aristotle, *Polit.*, vi. 3, 5.

[2] The same may be said of Sybaris. See Grote, *Hist. of Greece*, iii. 526.

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parties in Tarentum, which may perhaps be accounted for by the undisputed dominion of the democracy. That the Tarentines took an active part in the intellectual life of the Greek people they could prove by pointing to their fellow-citizen Archytas, who so far enjoyed their confidence that he was intrusted for years with a leading influence in the state. Nor is it to be doubted that in this rich and flourishing commercial town, the fine arts[1] and literature[2] found a fruitful soil. The situation of Tarentum was extremely favourable. A narrow tongue of land, which in the northern corner of the gulf extended from east to west, and on its western extremity nearly touched the opposite coast, formed a safe and almost dock-like harbour, secure against all storms from the sea, while the open roadstead outside offered good anchorage. At the entrance of the inner harbour was a hill, on which the citadel rose as on an island. The town covered the narrow tongue of land between the inner and the outer harbour, and was so built that the cross streets led to the water on each side. No single town in Magna Græcia had a more favourable position for navigation and commerce.[3] In addition to this, the sea in those parts was full of fish,[4] and thus furnished a great portion of the food of the people. The districts round Tarentum were excellent pasture and arable land. The diligence and skill of the Tarentines knew how to turn these natural gifts to their utmost advantage. To their extensive commerce they joined an important manufacturing industry, and Tarentine textile fabrics and dyed stuffs enjoyed a great reputation.[5]

[1] Strabo (vi. 3) mentions a colossal bronze statue of Zeus, the largest in existence after the Colossus of Rhodes; also a colossal statue of Herakles by Lysippos.

[2] The oldest Roman poet, Livius Andronicus, was a Tarentine, and was carried away to Rome in 272 B.C. as a slave, on the capture of Tarentum. The Hellenizing period of Roman literature is therefore in a manner directly connected with Tarentum.

[3] On the favourable position of Tarentum as a commercial town, see Polybius, x. 1.

[4] See Grote, *Hist. of Greece*, iii. 516.

[5] Droysen, *Hellenismus*, ii. 97.

Foreign policy of the Tarentines.

The foreign policy of the Tarentines appears to have been on the whole peaceable. They could not, of course, avoid all conflicts with their neighbours, especially with the Thurinians, but we find no trace of their having ambitious intentions with regard to the extension of their dominions. Nevertheless they did not give themselves up, as has been said of them, to indolent luxury. They knew how to maintain their position against the rapacious Lucanians and Messapians, as also against the far more dangerous tyrants of Syracuse, who visited so many Italian towns with fire and sword. It is said that the Tarentines at the time of their prosperity brought an army of 20,000 men into the field. In addition to this they had a respectable fleet, and if they did not claim to rule the sea, they were at least in a position to protect their own commerce and their town, which was impregnable so long as the harbour was open. Yet the continually repeated attacks of the Italians sorely tried Tarentum at last. Exposed to the harassing depredations of the mountaineers, agriculture became more and more precarious. It was not possible to defend effectually the whole territory, and to deprive trade and industry of thousands of hands which would have been necessary to keep the enemy everywhere in check. Hence the Tarentines called first the Spartan king Archidamus, then the Molossian prince Alexander, and at last Kleonymus of Sparta, to fight for them against the Italians.

Roman encroachments.

Thus the Tarentines successfully kept off their enemies, whilst the Samnite wars occupied the Sabellian nations in other parts, and they were of course well satisfied that these wars continued so long. In fact they could wish for nothing better than that the Romans and Samnites should continue to keep each other in check. It is related[1] that they made an attempt to act as arbitrators in the third Samnite war, and that they required both Romans and Samnites to lay down their arms. But they had neither

[1] Livy, ix. 14. The story looks like a fiction and deserves no credit.

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the courage nor the strength to inforce obedience to a sentence of arbitration, and so they were obliged to look on whilst Samnium was more and more exhausted by the wars with Rome. Now, after the termination of the third war, it was no longer their flocks and their country-houses alone which they had to defend from the rude hands of the spoilers. The goal of the Roman legions was the citadel of Tarentum; the Romans could only aim at possessing what the Lucanians had contented themselves with spoiling and plundering.

State of parties in Tarentum.

There was peace and amity between Rome and Tarentum. However clearly the instinct of self-preservation might have urged the Tarentines not to allow the Samnites to be utterly crushed, they had still abstained from all acts of hostility towards Rome.[1] Samnium bled to death before their eyes, and the Romans established themselves at Venusia, close on the frontier of the Tarentine territory. It was hardly to be expected that they would stop there; and sober men, who saw clearly the hopelessness of a continued resistance, probably thought a union with Rome the only chance of being able to save the independence of the town. The city of Naples furnished a precedent. Naples preserved her own local self-government and her Greek nationality under Roman supremacy. This view was supported chiefly by the better and wealthier class of citizens, who with a greater insight into the political

[1] Livy (viii. 27), Zonaras (viii. 2), and Orosius (iii. 22) represent the Tarentines as the enemies of Rome and friends of the Samnites. However, they do not report any act of hostility on the part of the Tarentines, and we must therefore conclude that, whatever may have been the sentiments and fears of the latter, they observed strict neutrality. This is the more likely as a treaty of peace and amity existed between Tarentum and Rome, which was probably concluded before the second Samnite war, according to Niebuhr's conjecture (*Röm. Gesch.*, iii. 318; English translation, iii. 272). The direct and immediate enemies of Tarentum were the Lucanians. It is therefore possible that when the Romans and Lucanians made common cause against Samnium, the Tarentines looked upon the Samnites as their friends and upon the Romans as their enemies. Nevertheless they probably abstained from direct hostilities against Rome. Their treaty of peace and amity with Rome was in full force in 282 B.C., nor were they ever accused of having broken it.

position and the relative strength of Tarentum and Rome united aversion to a war which could entail no other consequence than the utter ruin of their native town.[1] There was thus a Roman party in Tarentum,[2] which, as everywhere in the Italian towns, consisted naturally of the adherents of aristocratic institutions. These were opposed by the democrats, who, having nothing to lose, were prepared to hazard everything for the defence of the independence of their town and of the popular form of government, which, under the influence of Rome, would have had little chance of continuing long; but even the most reckless demagogues were not so blind that they expected to be able to withstand the Romans with their own unaided strength. Accordingly they directed their hopes towards Greece, from whence three times already help had come to the Italian Greeks. Whether negotiations had commenced with King Pyrrhus in the very commencement of the quarrel with Rome we cannot tell. It is, however, very probable that this was the case, for as early as 289 B.C., *i.e.* eight years previously, the Tarentine fleet had assisted Pyrrhus in the defence of Corcyra against Demetrius,[3] and therefore they could expect help in return.[4] The Romans therefore were in danger of seeing the best harbour on the coast of Italy, and the richest and most influential town, fall into the hands of a foreign power, which might put the greatest obstacles in the way of the consolidation of their dominion in Italy.

Defeat of the Roman fleet at Tarentum.

This was the state of things when, in the autumn of the year 282 B.C., suddenly and unexpectedly, a Roman fleet of ten ships of war appeared before the harbour of Tarentum. The treaty of 301 B.C.[5] forbade the Romans to sail beyond

[1] Zonaras, viii. 2.

[2] One of the leaders of this party was Aristarchus, of whom we are told (Zonaras, viii. 13) that he fled to Rome.

[3] Pausanias, i. 12.

[4] This hypothesis agrees with the expression of Justin, xviii. 1; 'Iterata Tarentinorum legatione.'

[5] The date is conjectural; Niebuhr (*Röm. Gesch.*, iii. 318; English translation, iii. 272) is in favour of the year 301 B.C. Perhaps the treaty was older. It is

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the Lacinian promontory at the furthest southern extremity of the Tarentine Gulf. The excitement among the Tarentines, produced by the sudden appearance of the Roman fleet, was therefore natural and justifiable. If the foreign fleet was allowed to sail into the inner harbour, Tarentum was in the power of the Romans.[1] The Tarentines interpreted the proceeding of the Romans as an open act of hostility. Nor could they view it in any other light, considering the stipulations of their treaty with Rome, and considering the laws of legitimate warfare, as they were understood and accepted at that time. They stood bravely on their defence, manned their ships, and sailed out to attack the Romans. Four out of ten Roman vessels were sunk, one was taken, the others escaped. The Roman admiral fell, a number of seamen and soldiers were taken prisoners; the former were sold as slaves, the latter put to death.[2]

Justification of the Tarentines.

It is strange that ancient as well as modern writers have represented this attack on the Roman fleet as an act of lawless violence, as a treacherous and unjustifiable surprise of harmless, defenceless, and unsuspecting men, by a demented and infuriated people.[3] Surely it was not the

not unlikely that the Romans first entered into amicable relations with Tarentum at the time when they concluded a treaty of friendship with Alexander of Epirus, the captain-general of the Tarentines, about 330 B.C., though, according to Strabo (vi. 3, 4), Alexander fell out with the Tarentines. If these amicable relations were afterwards interrupted (Diodorus, xx. 104), the old treaty may have been renewed after the departure of Kleonymus in 301 B.C.

[1] Arnold (*Hist. of Rome*, ii. 476, note 25), after describing the situation of Tarentum, says: 'An enemy entering the harbour of Tarentum would be as completely in the heart of the city as in the great harbour of Syracuse; and Cicero's description will apply even more strongly to Tarentum than to Syracuse: "Quo simulatque adisset, non modo a latere sed etiam a tergo magnam partem urbis relinqueret."'—Cicero, *in Verr.*, ii. v. 38.

[2] Zonaras, viii. 2. Dio Cass., frgm. 145. Appian, iii. 7.

[3] Mommsen, *Röm. Gesch.*, i. 395. 'These disgraceful proceedings are explained only by the sovereign folly and the sovereign recklessness of a government in the hands of the mob. The Tarentines, instead of summoning the Roman admiral to return, attacked him without giving him warning, and thereby committed an act of folly as well as barbarity—one of those awful acts in which civilisation suddenly loses the helm and naked depravity stalks before us, as it were to show the folly of the childish fancy that civilisation

Romans, approaching with a fully equipped fleet, ready for action, who could be considered unprepared, but the Tarentines, who, expecting no enemy, were assembled in the theatre,[1] and whose ships, lying in the harbour, could neither be ready manned nor in a state fit for an engagement. If it had been the intention of the Romans to avoid a collision—if they really, as it is stated, sailed up to the port of Tarentum without any hostile intention, out of mere curiosity,[2] and expecting a friendly reception, they had surely time enough to discover their error and to sail back before a single Tarentine vessel could get out of port or near them. The fact that they accepted and fought a battle shows that they were not the harmless strangers they are represented to have been. But, supposing that the action was fought in the heat of excitement, and without justification on the part of the Tarentines; is it likely that, instead of cooling down when the battle was over, they should have persisted in a course of folly and madness? We cannot imagine the democratic government of Tarentum to have been so utterly savage and brutal, so regardless of the laws of civilised warfare, as to think that they murdered in cold blood a number of innocent men, whom they had enticed into a snare and attacked contrary to the law of nations. They

can root out bestiality from human nature.' We are inclined to apply to this description the words of Polybius (ii. 58, § 12) where he says of the historian Phylarchus: *ὁ συγγραφεὺς αὐτῆς τῆς τερατείας χάριν οὐ μόνον ψεῦδος εἰσήνεγκε τὸ ὅλον, ἀλλὰ καὶ ψεῦδος ἀπίθανον.* A very different opinion is expressed by Droysen (*Hellenismus*, ii. 107), who says with perfect good sense: 'The proceeding of the Tarentines may have been tumultuary, but did not the act of the Romans amount to a gross violation of a sworn treaty, a most insolent provocation, the most imperious arrogance and insult offered to the free commonwealth of Tarentum? Was it advisable to wait until these Romans, who had just occupied Thurii, should declare what they meant to do in Tarentum? Surely the Tarentines were justified in acting like men attacked by their enemies, and in looking upon the peace with Rome as broken.'

[1] As Niebuhr (*Röm. Gesch.*, iii. 512; English translation, iii. 439) observes, they were perhaps assembled in public meeting, not to see a play.

[2] Appian, iii. 7, 2. Not one of the writers who condemn the conduct of the Tarentines has taken the trouble to explain why the Roman fleet was sent to Tarentum.

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regarded the Romans and treated them as pirates, and they were fully justified in doing so. Not only was the treaty with Rome which excluded Roman ships of war from the Tarentine Gulf in full force; it was even at this time of the utmost importance to the Tarentines, since the Romans had shown their intention of establishing themselves in southern Italy, since they had founded maritime colonies on the coast of the Adriatic, and since they had occupied Thurii.[1] If the Romans, as is highly probable, had made use of their fleet for the occupation of Thurii, and had since then established there a station for it, this was in itself a violation of the treaty with Tarentum, which must have galled the Tarentines all the more as they had not the courage or the means to wage war with Rome on that account.

Laws of war.

Quite irrespectively, however, of any special treaty, the entrance of foreign ships of war into the Tarentine harbour was an open violation of the laws of war as then universally recognised. When, in the Peloponnesian war, the Athenian fleet, on its way to Syracuse, sailed along the coast of Italy, all the harbours and towns, and amongst them that of Tarentum, were closed against it.[2] The people of Camarina declined to receive into their harbour more than one single Athenian war vessel.[3] The Corcyræans likewise would not consent to more than one Athenian or Lacedæmonian war vessel entering their harbour; if more approached, they were to be regarded as hostile.[4] The Romans showed the same jealousy themselves, when, some years later, a Carthaginian fleet

[1] Mommsen (*Röm. Gesch.*, i. 395), agreeing with Niebuhr (*Röm. Gesch.*, iii. 512; English translation, iii. 438), says: 'That treaty belonged to a time long past and forgotten; it had no longer any meaning, at least after the foundation of Hatria and Sena.' This is a most dangerous doctrine. Are treaties to be considered as obsolete and no longer binding when they begin to operate for the protection of the weaker and for the restraint of the stronger party? It is probable that, since the foundation of Hatria and Sena by the Romans, the Tarentines thought the treaty had a very clear and important meaning; at least *they* had not forgotten it.

[2] Thucydides, vi. 34.

[3] Thucydides, vi. 52.

[4] Thucydides, iii. 71. Compare Arnold, *Hist. of Rome*, ii. 477.

appeared before this very harbour of Tarentum. They warned the Carthaginians off, though the latter offered their co-operation to drive away the garrison of Pyrrhus, a service they were bound to render, according to the terms of alliance between Rome and Carthage.[1] The Romans demanded even an explanation and satisfaction from Carthage.[2] Is it probable that they were ignorant of the breach of law which they had committed by sending their fleet into the harbour of Tarentum?

Probable explanation of the act of the Romans.

The proceeding of the Romans, their unexpected appearance before Tarentum, and the decision and exasperation of the Tarentines, admit only of one explanation. There was, as we have said, in Tarentum a Roman party, consisting of the upper classes. This party had formed a connexion with Rome, and hoped, just as the same party had done in Thurii, to deliver up the town into the hands of the Romans.[3] The democrats of Tarentum, in possession of the government, were therefore perfectly justified in frustrating the treasonable intentions of their opponents, who wished to deliver them into the hands of the Romans, and in treating them as men guilty of an act of hostility without a previous declaration of war. The subsequent events showed that they were right, that an agreement existed between the Romans and the aristocratic party, and that their object was to bring Tarentum into the power of the Romans.

Attack on Thurii by the Tarentines.

However, whether the Tarentines were in the right or not, that was no longer of any consequence. The die was cast, and the war with Rome was now inevitable which Tarentum had, with unpardonable supineness, postponed from year to year, at a time when decisive action might

[1] Polybius, iii. 25. Καρχηδόνιοι δὲ καὶ κατὰ θάλατταν Ῥωμαίοις βοηθείτωσαν, ἂν χρεία ᾖ.

[2] Orosius, iv. 5.

[3] A similar occurrence is related by Livy (xxiv. 27). In Syracuse there was a Roman and a Carthaginian party. The Carthaginians sent a fleet to Pachynum, near Syracuse, to raise the confidence of their partisans. Thereupon, Appius caused the Roman fleet to take up a position at the entrance of the harbour, to encourage the partisans of Rome. The crowd from the city then rushed down to the harbour, to resist the Romans in case they should disembark.

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have saved the Samnites from being overpowered. Now that their blood was roused, they resolved to repair by vigour and rapidity their past neglect, and to follow up their defensive proceeding against the Roman fleet by an attack on the Roman garrison in Thurii. The occupation of Thurii by the Romans had been a thorn in the flesh to the Tarentines. With the Thurinians, their near neighbours, they had fought out many an old grudge. The fertile territory of Metapontum, lying between the two towns, had been the apple of discord. The mutual jealousy of the two Greek towns had turned out to the advantage of the Lucanians, and had rendered it possible for them to injure and to weaken both. Now the Thurinians, to save themselves from the Lucanians, had called to their aid, not their countrymen, the Tarentines, but the Roman barbarians, and had given up the town to them.[1] This called for revenge, a revenge which was recommended also by policy. Thurii was attacked and taken by the Tarentines, probably with the aid of the fleet which had just discomfited the Roman squadron. The Roman garrison of Thurii capitulated, and was allowed to retire. The aristocrats were expelled,[2] and the town plundered. A democratic government was established, as a matter of course.

Rejection of the Roman demands by the Tarentines.

Thus the war with Rome had in fact begun—a war which the Tarentines felt was more than they could carry on with their own unaided strength. The negotiations with Pyrrhus, which were begun probably much earlier,[3] were now resumed. But it would take a considerable time before the conditions of the alliance could be

[1] Appian, iii. 7, 1: ἔς τε Θουρίους ἐγκλήματα ποιούμενοι, ὅτι Ἕλληνες ὄντες ἐπὶ Ῥωμαίους κατέφυγον ἀντὶ σφῶν καὶ παρελθεῖν αὐτοὺς ἐπέκεινα αἴτιοι μάλιστα ἐγεγένηντο.

[2] Appian, iii. 7, 1: τοὺς ἐπιφανεῖς αὐτῶν ἐξέβαλον.

[3] See above, p. 489. It is probable that even when the attack was made on the Roman fleet, the Tarentines calculated on the support of Pyrrhus, and were the more encouraged to resist the Roman schemes. Perhaps it was the occupation of Thurii which drove the democratic party in Tarentum to seek the alliance of the king of Epirus.

agreed upon, and before Pyrrhus could complete his preparations for an expedition across the Ionian Sea. In the meantime the Romans might hope to anticipate Pyrrhus, and in one way or another to make themselves masters of Tarentum. Their first step was not a declaration of war, as might have been expected after what had taken place at Tarentum and Thurii, but an embassy, commissioned to prevent the breaking out of a war and to re-establish the old friendly relations between Rome and Tarentum, which had been destroyed by that untoward event in the harbour of Tarentum. Rome demanded the release of the prisoners, and the delivering up of those who had instigated the attack on the fleet—that is, the leaders of the democratic party; moreover the restoration of the expelled Thurinians, and compensation for the damage done to that town.[1] Had the Tarentines consented to these conditions, Thurii, as well as Tarentum, would have fallen at once into the power of the Romans. For, after the surrender of the heads of the democratic party, the Roman partisans would have come into power, and the consequence would have been that they would have put the town under the protection of the Romans, just as the democrats afterwards gave it over to Pyrrhus. Both parties tried their strength for some time. At length the democrats prevailed, and rejected the Roman conditions. Of these internal contests we find but slight indications in our authorities, but there is ground for supposing that the parties were not so violently opposed to one another in Tarentum as in other Greek towns, where contests of this sort generally ended with slaughter, confiscation, and the exile of the weaker party. The aristocratic party in Tarentum, which advocated a treaty with Rome, could not carry out their policy, but they

[1] Appian, iii. 7, 2. Zonaras, viii. 2. From these demands it would appear that the Romans considered themselves justified in looking upon the attack on their ships as a violation of international law. But we shall think differently if we bear in mind that the Samnites are said to have delivered up their general Brutulus Papius (Livy, viii. 39), and that the Romans did not scruple to put to death their captured enemies who had been carrying on legitimate war.

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must have been very near doing so, as appears from the course of events which followed.

Alleged reception of the Roman ambassadors.

The most extraordinary anecdotes are related about the reception of the Roman embassy in Tarentum. L. Postumius, who was at the head of it, was greeted, it is said, with scoffing and abuse by the assembled Tarentine people. His foreign costume and the mistakes in his broken Greek furnished some mountebanks with materials of ribaldry and insult, in which the assembled people joined, amidst shouts of merriment. At last a vulgar wretch is said to have thrown dirt on the white toga of the Roman, and this infamous treatment of the sacred person of an ambassador, instead of causing general indignation, was applauded as a merry trick. In a moment, when the highest interests of the state were being discussed, when every man knew that on the decision depended the safety of his property, his freedom, and his life, the whole people are said to have behaved like a dissolute company of revellers and rioters in the midst of a drunken debauch.[1]

Fictions in the narrative, and their origin.

It is hardly necessary to say that these anecdotes do not belong to history. They carry on themselves the very stamp of falsehood.[2] They owe their origin to the servile spirit of those Greek historians who made it their duty to flatter and extol the Romans. Nowhere is that spirit more apparent than in this part of the history of Rome. Roman virtue appears nowhere so exalted, by contrast with the degenerate Greeks, as in the numerous anecdotes with which the story of the war with Pyrrhus is filled. It moves our disgust to observe the sycophancy to which the Greek writers could stoop. And in order to celebrate

[1] Arnold (*Hist. of Rome*, ii. 478) gives a masterly description of the reception of the Roman ambassadors.

[2] The account of Valerius Maximus (ii. 2, 5) is less improbable, inasmuch as in it the offence is offered to Postumius, not before the assembled people, but previous to the assembly being called. Valerius, moreover, moderates the disgusting part of the story. Dionysius (xviii. 7) makes the disgraceful scene to take place *after* the holding of the assembly. On the other hand Livy exaggerates the enormity of the offence by saying (epit. xii) that the Roman ambassadors were beaten by the Tarentines.

Roman virtue, Greeks had to be represented as cowards, traitors, and fools, as gluttons and drunkards. The Tarentines owe their bad reputation partly to the spirit which pervaded these stories. But that they were not such despicable, wretched, and low scoundrels as Plutarch, Appian, and Dio Cassius represent, appears with sufficient evidence from a sober examination of the recorded events.

Interference of Pyrrhus.

The embassy returned to Rome without having accomplished its end. The dignity of the Roman people clearly demanded an immediate declaration of war, even if the disgraceful treatment of the embassy by the Tarentine mob had not taken place.[1] But the senate hesitated for for several days in its decision.[2] The situation of the republic was not difficult. After the victorious termination of the war with the Boii in Etruria, no more danger threatened on this side, even if the condition of Etruria and the precarious nature of all treaties of peace with the Gauls demanded the presence of a Roman army on the northern frontier. The Samnites were exhausted, and unable, if not unwilling, to renew the war; the Lucanians had only just been defeated. But even if these peoples had given cause for anxiety, they could not have prevented Rome from declaring war against Tarentum without further deliberation. The delay of the Romans must be attributed to other causes. They knew that a war with Tarentum, if it did not lead to a conquest of the town, would be of no use, and that of such a conquest there was not the slightest hope so long as the Tarentine fleet protected the entrance to the harbour. The Romans, utterly inexperienced in the art of besieging a large town, could accomplish nothing by force against a place like Tarentum. It could not be blockaded, isolated, and reduced to surrender by hunger. If an ingenious *coup de main* did not succeed, treason was the only means by

[1] It is self-evident that, if it had taken place, the Romans could temporise no longer, but were obliged to declare war forthwith.

[2] Dionysius, xvii. 9.

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which Tarentum could pass into their hands. By treason the Romans took Tarentum twice at a later period, but never by force of arms. Through an understanding with a friendly party inside the walls, Tarentum, like so many other towns, might perhaps be won. The attempt certainly had once failed, but the Romans were not the sort of people to be frightened from their object by one failure. They therefore decided to possess themselves of the town, if possible, by the help of their friends. The attempt by means of a fleet could not be repeated. An army was now sent by land into the Tarentine territory under the consul Q. Æmilius Barbula, commissioned to repeat the offers of peace made by Postumius, and at the same time to support these offers by suitable operations in the field. The Tarentines were to understand clearly what they risked if they continued to reject the treaty with Rome, and to look elsewhere for support. The consul scattered the Tarentine mercenaries and native troops, and laid waste the country, but spared the property and persons of the adherents of the aristocratic party. While the war was thus exercising its pressure on Tarentum, the Romans still offered peace on the previous terms. The democrats were in a difficult position. Some of their most influential men were absent on an embassy which had been sent to Pyrrhus. Their opponents gained ground day by day, and they succeeded at last in appointing Agis, the head of the Roman faction, as commander-in-chief. The moment had now arrived when the shrewd and persevering policy of the Romans was on the point of being crowned with success. As soon as Agis should have entered on his office, the Romans might hope to be admitted into the town. But in the very moment of success, their hopes were dashed to the ground. The precious prize, after which they had already stretched forth the hand, was wrested from them by one more rapid in the race. Kineas, the ambassador and confidential minister of King Pyrrhus, appeared in Tarentum with the promise of immediate support from his master. Agis was deposed from his

office before he had even entered on it. The democratic party gained the upper hand, and from henceforth the fate of Tarentum was placed in the hands of the adventurous prince who boasted of having sprung from the race of Achilles, and believed himself destined to be the champion of the Greeks against the barbarians and the descendants of the Trojans.

CHAPTER XV.

THE EARLIER ADVENTURES OF PYRRHUS.

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THE first hostile collision of the Romans with the Greeks of the mother country obliges us to cast a glance at the condition of that country, the history of which from this time forwards is gradually bound up with that of Rome, and whose intellectual life was to fertilise the Roman, and to exercise a great and lasting influence on the course of civilisation in antiquity and in modern times.

Condition of Greece.

Conquests of Alexander.

When Rome emerged from the narrow limits of Latium, and, by the conquest of Samnium, became the first power in Italy, when she glowed in youthful vigour and was thirsting for action and dominion, Greece was already at the end of her political career. The brilliancy of the free commonwealths of the olden time had faded away before the rising sun of the Macedonian kingdom, which, after a wonderfully rapid and victorious course, set in the storm-clouds of a period as calamitous as the last ages of the republics, but less glorious. Alexander the Great, the deified conqueror, had, with the aid of the Greek nation, overthrown at one blow the decaying edifice of the Persian monarchy, and had formed a gigantic empire, whose unwieldy body was dissolved as soon as his spirit animated it no more. His example had fired his generals with a mad passion for conquest and dominion, and there arose everywhere, from the Adriatic Sea to India and from the Euxine to the Falls of the Nile, Greek kings in barbaric lands, all emulating the great Alexander, and striving not to fall short of their illustrious model either in virtues or in vices. Their ambition was directed to form states and

to found dynasties. It was a time of gigantic struggles, wild passions, and rapid and astonishing changes. Nothing seemed to be enduring. Kingdoms rose and disappeared again in quick succession; they grew, expanded, fell to pieces, and were formed again in different combinations of the constituent parts, as the blind fortune of war directed, or the genius of the Macedonian generals shaped them.

Dissolution of his empire.

In vain did the very best among Alexander's successors strive against the inert opposition which Nature herself, in the extent, position, and character of the countries of the great Macedonian empire, brought to bear against every attempt to restore the ill-cemented monarchy of Alexander. Even the genius of Alexander himself would not have been able to keep together for a continuance the state which military success had formed for the moment. The empire was broken up in several fragments, the form and extent of which were chiefly determined by geographical conditions, by seas, mountains, and deserts—the natural boundaries, which can seldom be overstepped by human efforts for a long time. Egypt separated itself first from the great mass of countries with which it was connected only by a narrow ligament, and Egypt owed principally to its geographical seclusion a period of steady development under the shrewd Ptolemies. In the same manner Europe broke loose from the Asiatic parts of the monarchy. The original country of Macedonia shrunk gradually as a separate state almost within its old limits, and, after long and chequered wars, fell to the house of the chivalrous Demetrius Poliorketes. Asia, with its unfavourable geographical formation and enormous extent, intersected and as it were rent asunder by deserts and mountain chains, inhabited in parts by warlike tribes whom neither the Persian kings nor Alexander had brought to real obedience,—Asia itself proved too large and unwieldy for one single state, and was broken up into several parts. Even the great empire of the Seleukidæ, extending from the mountains of Media to the Mediterranean Sea, could make no pretensions to represent the empire of Alexander. The eastern provinces

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of the Persian dominion as far as the Indus had never been properly conquered, and after Alexander's death they soon fell again into the power of native princes and peoples. In Asia Minor there sprang up a number of independent states, such as Pontus, Bithynia, and Pergamus. The mountain tribes in the Taurus, and in the highlands of Armenia and Cappadocia, had always preserved their independence. The town republics of Greece and the islands, but especially the trading city of Rhodes, which soon became a naval power of the first rank, were never reduced to such a state of slavish subjection and obedience to the new monarchs as the subdued nations of Asia, who were never accustomed to any but a despotic government. They were neither despoiled nor enslaved. They retained their own constitutions and a degree of political independence which appears hardly consistent with a state of complete subjection. The internal party struggles and the neighbourly feuds were limited, democracy was mitigated; and if the Greeks could have forgotten what they had once been, if they had understood the times and modestly resigned themselves not to rule and tyrannize over others, they would still have enjoyed a full measure of happiness and national glory. Greece was still the home of the arts and the nursery of civilisation. The Greeks were called by their high gifts to teach the nations around the Mediterranean to aspire to the higher enjoyments of humanity and to true freedom. They were chosen and fitted by nature to take the lead in spiritual and intellectual aspirations; and no barbarian power could have interfered with them or hindered them if they had only understood how to subdue their own evil passions. The Greeks themselves, not the chances of an adverse fate, are to blame that unfortunately the task which they seemed called to perform was performed but partially and imperfectly.

The Epirots and Ætolians.

The north-western part of the country had taken hardly any share in the national development of the Hellenic nation. Ætolia and Akarnania were regarded in the Peloponnesian war as still barbarian countries. This

was still more the case with the district north of the Ambrakian Gulf, extending along the Ionian Sea to the Akrokeraunian promontory and inland as far as the mountain range of the Pindus, a country which, by way of contrast to the adjacent islands, was called Epirus, that is, the continent. Still the peoples who lived here—viz., the Molossians, Chaonians, Thresprotians, and others—were in no essential points different from the Greeks. They were, on the contrary, of a kindred race, and the difference between them and the Hellenes was chiefly this, that they had remained behind in their development while the Hellenes had made rapid strides forwards.[1] In the older times there was therefore no great diversity between these peoples and the other Hellenic races. On the contrary, these districts were rather drawn to Hellas in the primeval period by community of religion and by national intercourse. Here was one of the most venerable and most ancient sanctuaries of the Greeks, the temple and the oracle of Zeus in Dodona. Here the impulse was given to the Dorian migration, which changed the aspect of Greece, for from this part came the invaders and conquerors of Thessaly.[2] In these wild mountains and narrow valleys, cut off from intercourse with the other races, they had preserved, almost in its original purity, the simple manners of the heroic age. While everywhere else in Greece hereditary royalty had given way to the dominion either of the nobles or of the people, most of these small tribes of Epirus lived under hereditary princes, of whom sometimes one and sometimes another laid claim to a sort of supremacy over the rest.[3] The Molossians were governed by a king who traced his origin back to Pyrrhus, the son of Achilles. The chief men of the people, assembled every year in the village of Passaron, the principal place of the country, brought to their king the customary presents of choice cattle, and renewed with him mutually the oath of fidelity.

[1] Herodotus (vi. 127) considers the Epirots as Hellenes; Thucydides (ii. 80) looks upon them as barbarians.

[2] Herodotus, vii. 176. Curtius, *Griech. Gesch.*, i. 89.

[3] Strabo, vii. 8.

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The country was but ill fitted for agriculture. The mountain slopes gave pasture to numerous flocks, in which consisted the wealth of the people. The inhospitable rocky coast of the Ionian Sea was not inviting to Greek settlers. Trade, industry, the arts, which were developed in the busy life of Greek towns, found no home in these inclement highlands, where the inhabitants lived only in small open villages. The most fertile part of the country, which lay on the Ambrakian Gulf, was politically isolated from the rest. The kings of the Molossians therefore, even if they were able to inforce the obedience of the numerous races of the interior, were not great potentates, and had but little prospect of being able to take a leading and honourable part in the national affairs of Greece.

The Molossian kingdom.

Epirus emerged from this isolation at the time when the neighbouring country of Macedonia, which had long stood in a similar relation to Greece, began to take part in Grecian politics. Olympias, the wife of Philip of Macedonia, was the sister of Alexander, the king of the Molossians. In this way the royal houses of Macedonia and Epirus became related to one another, and this relationship could not fail to have a great influence on both countries. After Alexander of Epirus had fallen in the war with the Lucanians,[1] his cousin Æakides, who succeeded him in the government, became involved in the troubles which broke out in Macedonia, after the death of Alexander the Great, respecting the succession to the throne. He supported the claims of his relations of the royal house of Philip, and in their cause lost his throne and his life. The wretch Kassander, who never carried on a war without treason and assassination, and who saw that he could secure for himself the Macedonian throne only by the extermination of the family of Alexander, had instigated in Epirus a rebellion against Æakides.

Connexion of the royal houses of Macedonia and Epirus.

Pyrrhus, the son of Æakides, was at that time a child in the arms of his nurse. The rebels sought his life.

Early life of Pyrrhus.

[1] See above, p. 380.

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A few faithful servants barely succeeded in saving the boy. Glaukias, king of the neighbouring Illyria, espoused his cause, protected him from the revenge of Kassander, and, when Pyrrhus was twelve years old, he conducted him back to Epirus and set him on the throne of his father. But a child was not equal to the task of governing such an unruly nation as the Epirots. After a few years Pyrrhus was again an exile. As a youth of seventeen he joined Demetrius Poliorketes, who had married his sister Deidamia, and was just then preparing to leave Greece and go to Asia, to the assistance of his father Antigonus, who was threatened by the alliance of Kassander, Ptolemy, and Seleukus. Pyrrhus fought with courage by the side of his brother-in-law Demetrius in the great battle at Ipsus. But victory was on the side of his enemies. Pyrrhus was sent as a hostage to Egypt. Here, at the court of Ptolemy, fortune began at length to smile upon him. His handsome, manly person, his youthful courage and heroism, together with his royal bearing, won for him the favour of the royal ladies. The Queen Berenice selected him as the husband of her daughter Antigone, and Ptolemy was very glad to gain in the young prince a friend for himself who would be a useful ally as king of Epirus. With Egyptian money and troops Pyrrhus returned home, where he found his cousin Neoptolemus in possession of the government. The two princes agreed to govern in common. But the unavoidable consequences of such an unsatisfactory arrangement soon began to appear; they produced at first mutual suspicion, then fear of treachery, at last assassination. Neoptolemus was the victim, probably because Pyrrhus anticipated an act which the other was meditating. However, this murder casts a deep shadow on the character of Pyrrhus, who seems to have been on the whole remarkably free from the vice then too common among the successors of Alexander, of shedding innocent blood.

Extension of his kingdom.

Pyrrhus, at length in undisturbed possession of the throne of his fathers, made use of the continual disorders

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of the time to enlarge his kingdom. The two sons of Kassander, Antipater and Alexander, were fighting for the possession of Macedonia. Alexander purchased the co-operation of Pyrrhus at the price of the frontier districts of Paranæa and Tymphæa, and of the country on the Ambrakian Gulf, which was most important for Epirus. Now Pyrrhus acted, on a smaller scale, like the great Alexander. He enlarged Ambrakia, which became from this time the principal town of the country, and he established harbours and towns. Now, for the first time, Epirus had access to the sea, an easy communication with Greece, and a fertile district, the want of which had been felt before.[1] He acquired also Corcyra by marriage with Lanassa, the daughter of Agathokles of Syracuse, who had taken this island in one of his predatory expeditions. He lost it again when Lanassa ran away from him and married Demetrius, who thereupon took possession of the island; but, with the help of the Tarentine fleet, Pyrrhus succeeded in regaining Corcyra,[2] and thus the friendly relations were formed between Tarentum and Pyrrhus which were to lead to his future collision with the Romans.

Civil and military virtues of Pyrrhus.

Pyrrhus reigned six or seven years in peace, enjoying a remarkably long respite from war in the midst of a stormy period. He was then drawn again into the vortex of disputes about the possession of Macedonia, which Demetrius, his former friend and present enemy, had for the moment conquered. A league was formed by the other princes, Ptolemy, Seleukus, and Lysimachus, against Demetrius. Pyrrhus joined this league, and succeeded in driving Demetrius out of Macedonia. But he was not strong enough to keep the spoils for himself. He had to resign them to Lysimachus, and he retired into his own kingdom, where he again lived in peace and quiet for a number of years (from 286 to 280 B.C). If we reflect that Pyrrhus for the considerable time of from twelve to thirteen years occupied himself with the quiet government of his country, we shall

[1] On the extent of the kingdom of Epirus under Pyrrhus, see Droysen, *Hellenismus*, ii. 89, Anm. 212.

[2] Pausanias, i. 12.

hardly be able to agree with those who call him a mere military adventurer, without any higher or nobler object than fame and aggrandisement. He was indeed a soldier of the first rank, a true soldier, of personal lion-hearted courage—a courage which called forth admiration at a time surely not deficient in brave warriors. War had a peculiar charm for him, for he loved the din of battle like an Homeric champion,[1] without thinking of the gain it might bring. He was at the same time acknowledged to be the first general of the school of Alexander, and we can easily believe the story related by Plutarch, that Hannibal considered him the greatest military genius. The Epirots, who were inspired with enthusiasm for him, called him 'The Eagle,' and followed his bold flight with the enthusiasm that leads to victory. But he was at the same time a great politician, with a talent for organisation, and an able ruler of his country and people.[2] He created a civilised state in the wild highlands of Epirus, where formerly at least fourteen rude tribes had led a half predatory, half pastoral life. How well this state was knit together and how admirably it was organised may be gathered from this, that, during the absence of the king for more than five years in Italy and Sicily, his son Ptolemy, a boy of fifteen, could conduct the government at a time when nothing seemed constant, and when, in addition to old enemies and rivals, the Gauls threatened to invade the land. Ambrakia owes it to him that it became the seat of Greek civilisation, so that it deserved to be named with the most celebrated Hellenic towns. He knew how to draw towards himself men of talent and character, and to employ them in his service. The Thessalian Kineas—the first, but surely not the only one in his council—was not a mere rhetorician and talker, but a statesman whose choice reflected credit and honour

[1] Plutarch (*Pyrrh.*, 13) applies to him the Homeric words: *ποθέεσκεν ἀϋτήν τε πτόλεμόν τε.*

[2] Polybius, xii. 25: *τῶν δεδυναστευκότων ἐν Σικελίᾳ μετὰ Γέλωνα πραγματικωτάτους ἄνδρας παρειλήφαμεν Ἑρμοκράτην, Τιμολέοντα καὶ Πύρρον τὸν Ἠπειρώτην.*

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upon him. If his contemporaries compared Kineas to Demosthenes, they conferred on him the highest praise which a man could aspire to. His eloquence no doubt was not of that kind which roused or calmed the waves of a popular assembly, but it was powerful in the council of kings and in negotiations with ambassadors of foreign states. Pyrrhus said of him, with that modesty which is peculiar to conscious merit, that the speeches of Kineas had conquered for him more towns than his own sword. In one thing especially Kineas was worthy to be compared to Demosthenes—that he was a man of decided character. He was no obsequious servant; he spoke openly with his master, and devoted himself to him with his whole soul. That Pyrrhus knew how to gain the attachment and friendship of such a man shows that he possessed a spirit capable of subduing the hearts of men. It was not from calculating dissimulation, but from the impulse of his inmost nature, that he approached his inferiors[1] with affability, that he showed himself superior to derision and insult, that he forgave conquered enemies and recognised willingly true greatness in his opponents.

Contrast between Pyrrhus and his contemporaries.

Qualities like these mark Pyrrhus as a man far above the mere rude soldier. This is still more apparent from what we are told of his literary pursuits. He spared time and had taste enough to write an account of his eventful life. He who in many things emulated the great Alexander had no doubt also a high appreciation of the glories of Greek art and poetry, and he felt a genuine enthusiasm for the people whose supremacy over the barbarians in the west he endeavoured to establish.

If we put all these features together and try to realise

[1] Plutarch (*Pyrrh.*, 3) relates that Pyrrhus enjoyed the reputation of curing persons suffering from the spleen. It was necessary to sacrifice a white cock, the patient being laid on his back, while the king pressed his side with his right foot. Nobody, says Plutarch, was so poor or humble as to be refused admittance to the king, when he came to be cured. The king even took the cock graciously, and prized it as one of the most acceptable presents. This curious and characteristic story shows that touching for the king's evil was an old practice.

the picture of Pyrrhus, we shall find on comparison with what we know of Kassander, Ptolemy Keraunus, and most of their contemporaries, who distinguished themselves chiefly by their ungovernable cruelty and faithlessness, that Pyrrhus was not only one of the ablest generals and princes, but amiable also as a man, and worthy of our sympathy and respect. The boldness with which he ventured on an undertaking to which his own strength and that of his people were not equal cannot degrade him in our eyes. It is an easy matter nowadays to designate as a great mistake the expedition of Pyrrhus into Italy. We are wise because we know the result. But if we can realise the times and circumstances of the expedition, and place ourselves in the position of the king of Epirus, we shall probably judge differently.

Plans of conquest in Italy.

Pyrrhus had hitherto been attended by great political and military success. He had created, one may say, a mighty empire. His Epirots were, as soldiers, quite equal to the Macedonians, and he thought himself not unworthy of being compared, as a general, to Alexander the Great. The foundation of a western Grecian empire in Italy and Sicily was no unreasonable project. If his predecessor, Alexander of Epirus, had almost succeeded in uniting the whole of Larger Greece and in subduing the Lucanians—an undertaking which was frustrated only by the hand of an assassin; if the tyrant Agathokles had conquered almost the whole island of Sicily with the limited forces of the town of Syracuse, and had nearly overthrown the proud and mighty Carthage, then certainly the king of the new enlarged and strengthened Epirus might hope to bring such an undertaking to a successful termination, assisted by the Greek towns who implored his help. His calculation was based on such a knowledge of facts as the history of the previous events in Italy had brought out. Rome was to him an unknown quantity which he did not rate sufficiently high. He looked upon the Romans simply as one of the many Italian nations, not more nor less powerful than the Lucanians or the Samnites. If we can

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believe the reports about the war (and some of them were most probably from the pen of Pyrrhus himself), he was both astonished and disappointed when he became acquainted with their military organisation, their state and their policy. Here was the great error in his calculation, an error for which he can hardly be held responsible; for there cannot be a doubt that an accurate knowledge of Rome at that time was nowhere to be met with among the Greeks.

CHAPTER XVI.

THE WAR OF PYRRHUS IN ITALY AND SICILY.

CHAP. XVI.

280–275 B.C.

THE arrival of Kineas in Tarentum, as we have seen,[1] altered at once the situation of affairs. The Roman party lost power and influence; the democrats received as their deliverers a force of 3,000 Epirotic soldiers under Milo, forming the first detachment of the army of Pyrrhus. All prospects of a peaceful settlement of the Roman difficulties were at an end, and a war was commenced in which the independence, perhaps the existence, of Tarentum was at stake. The consul Æmilius retired from the neighbourhood of Tarentum, to pass the winter in Apulia. His project of getting possession of the town by an agreement with the Roman party had failed, and he could now effect nothing more.

Factions in Tarentum.

Pyrrhus himself soon landed on Italian soil. During the course of the year 281 B.C. he had completed his preparations. With Ptolemy and Antiochus, the rulers of Egypt and Syria, and with Antigonus, the son of Demetrius, he had concluded treaties, by which he not only provided for the security of his own hereditary kingdom of Epirus, but obtained promises of assistance for his campaign in Italy. His rivals were glad to see him embark on a distant expedition, because he was the most formidable of all the competitors for the possession of Macedonia. After a very dangerous passage, in which he lost many of his ships, Pyrrhus landed in Italy before the beginning of spring (280 B.C.), with an army of 20,000 heavy-armed

Arrival of Pyrrhus in Italy.

[1] See above, p. 498.

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soldiers, 2,000 archers, 500 slingers, 3,000 horsemen, and twenty elephants. He acted at once as king and absolute ruler, and enforced the strictest military discipline. There was an end now to the democratic disorder in Tarentum. The assemblies of the people, the clubs, the theatre, the gymnasia were closed; all public amusements were at an end. Tarentum was changed into a camp and an arsenal, and the young men were pressed into military service. Sentinels guarded the gates, to prevent the escape of those who would withdraw themselves from the common cause. That there were such people is natural; they may have been especially the adherents of that party which had opposed the war with Rome. But that the whole people of Tarentum were effeminate and unaccustomed to military service, that they held back through cowardice and hoped to buy themselves off with money, is doubtless a gross exaggeration. The Tarentines knew very well that Pyrrhus would not come over as the hired leader of an army, but as the head of a coalition, and that all the resources of the allies must be at his disposal. They had made brilliant promises to him. It had been said that a hundred thousand Greeks and Italians awaited his arrival to rise in a body against the hated dominion of Rome. But of this general rising there was nothing to be seen. Neither the Samnites nor the Lucanians nor the Bruttians moved a hand. Pyrrhus had nothing but his own army and the reinforcements which he could obtain from Tarentum and perhaps from Thurii. The Romans had taken care that amongst their allies and subjects there should be no sympathy shown for Pyrrhus. All the towns which were in the least suspected received Roman garrisons, or were obliged to send hostages to Rome as pledges of their fidelity.[1] Even from the neighbouring town of Præneste, some citizens were brought to Rome, and forfeited their lives on account of the suspicion cast upon them, whether justly or unjustly, of wishing to betray the cause of Rome.

[1] Zonaras, viii. 3.

It was not long before a Roman army appeared in Lucania, under the command of the consul P. Valerius Lævinus, to commence hostilities. It appears the Romans had no more than Pyrrhus any just idea of the formidable struggle which lay before them. A single consular army, that is, two Roman legions, with an equal number of allies, altogether from twenty to twenty-five thousand men, was considered sufficient to take the field against the Greeks. Two legions under the consul T. Coruncanius, were left in Etruria, without any apparent necessity;[1] two more legions, commanded by a prætor, were in Samnium, where no serious opposition was in prospect so long as Pyrrhus did not assist the Samnites. If the whole of the Roman forces, which easily might have been raised to ten legions, had been directed against Pyrrhus, to crush him with one blow, the danger of a rising among the Italians would have been removed, and the war, if not terminated at once, would have been confined to the districts along the southern coast. But perhaps the Romans thought that they would have to encounter only the Tarentines, or an Alexander or Kleonymus, and therefore ventured with insufficient strength, though covered in the rear by the fortress of Venusia, far into the neighbourhood of the Tarentine Gulf.

The Roman legions in Lucania.

Now, for the first time, Romans and Greeks faced each

First encounter of

[1] This must be inferred from the fact that, after the defeat of the Romans at Heraclea, their army left Etruria to march southwards against Pyrrhus. How could the army be withdrawn from Etruria after such a disaster as that of Heraclea, if even before the battle the condition of Etruria required the presence of two legions? The answer of the annalists was that peace was just then concluded between Etruria and Rome. No policy was so absurd and suicidal but that it was unhesitatingly imputed to the Etruscans. They called the Gauls, their worst enemies, into their country to fight against the Romans. When the Gauls were overthrown, they continued the war with Rome on their own account. At length, when unexpectedly they found a powerful ally in King Pyrrhus, and when a Roman army had been shattered to pieces by him, they hastened to make peace and to render the most essential service to their enemies. All this is a string of falsehoods and absurdities. The only reason why a Roman army could at that time be stationed in Etruria was to support the aristocratic governments in the different towns against the democrats. See above, p. 479 ff.

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other in battle. But the latter were no longer the genuine Hellenes, not the heroic citizens of free states, whose sharpest weapons were enthusiasm and patriotism, but professional soldiers, subjects of a king, most of whom fought for pay, some against their will. Military discipline and warlike training had to supply the love of country. War had become for them a trade and an art, and now it was to be seen whether and how long a standing army of drilled soldiers could keep the field against a nation in arms.

Greek and Roman armies.

The Macedonian phalanx.

The highest development of the Macedonian phalanx had been reached in the Macedonian tactics which had overthrown the Persian empire and kept Asia in subjection, even after Alexander's death. Armed with long spears and arranged in deep masses, the Macedonian phalanx was immovable as a wall. The light-armed troops, the horsemen, and, since Alexander's time, the elephants, waited behind this wall of men for the moment of attack, and in case of necessity took refuge behind them as in a fortified camp. Thus firmness was combined with agility, although it appears that the phalanx was rather unwieldy, and the light arms too weak to make an impression on solid troops.

Constitution of the Roman legion.

The original order of a Roman army was, as it seems, similar to the phalanx; but the long unbroken line had been divided into smaller detachments since, and perhaps by Camillus. The long wars in the Samnite mountains naturally caused the Romans to retain and to perfect this organisation, which made their army more movable and pliable without preventing the separate bodies quickly combining and forming in one line. The legion now consisted of thirty companies (called 'manipuli') of the average strength of a hundred men, which were arranged in three lines of ten manipuli each, like the black squares on a chessboard. The manipuli of the first line consisted of the youngest troops, called 'hastati;' those of the second line, called 'principes,' were men in the full vigour of life; those of the third, the 'triarii,' formed a reserve of older soldiers, and were numerically only half as strong as the

other two lines.[1] The tactic order of the manipuli enabled the general to move the 'principes' forward into the intervals of the 'hastati,' or to withdraw the 'hastati' back into the intervals of the 'principes,' the 'triarii' being kept as a reserve, and only moving on when the younger troops were broken and forced to rally among the ranks of the veterans. The light troops were armed with javelins, and retired behind the solid mass of the manipuli as soon as they had discharged their weapons in front of the line at the beginning of the combat. The cavalry, though considerably strengthened by the contingents of the allies, was the weak part of the Roman army, and seems never to have contributed much to victory.

Points of difference between the Roman army and that of Pyrrhus.

The difference between the Roman army and that of Pyrrhus lay not alone in their organisation and tactics. There was another and a very important feature in which they differed. The Roman army was a militia; it consisted of men who were soldiers only for a time, and who for the most part longed to return to their families, and their peaceful avocations. The Epirotic army consisted, to a great extent, of professional soldiers, who made war the business of their lives. Such an army has a great advantage over an army like the Roman. It is likely to be victorious in the beginning. But it is difficult to keep up its numbers, especially at a distance from home, whereas a militia drawn from a numerous population can be renewed easily. If the war, therefore, is not decided quickly by a few great battles, a standing army, however admirable in quality, and however well led, will be overpowered in

[1] The heavy-armed infantry of one legion consisted of thirty manipuli—ten of hastati, ten of principes, and ten of triarii. The ten manipuli of the hastati and the ten manipuli of the principes numbered 120 men each, and were divided each into two centuriæ of sixty men. The ten manipuli of the triarii had only sixty men each, subdivided likewise into two centuries, which of course numbered each only 30 men. Besides these 3,000 heavy armed men, a legion of 4,200 contained 1,200 light-armed soldiers. The cavalry consisted generally of 300 men. But each legion had apportioned to it a number of Latin and other allies, who furnished an equal number of infantry and twice or even three times the number of cavalry. See Marquardt, *Röm. Alterth.*, iii. 2, 253 ff.

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the end by the strength of a whole people in arms. This was shown now in the war with Pyrrhus, and on a larger scale in the gigantic struggle with Hannibal.

Forces under the consul Lævinus.

The Roman consul P. Valerius Lævinus had taken the field with a consular army of about 20,000 to 25,000 men. His line of retreat was covered by the strong fortress of Venusia, in the south of Samnium, and his advance against Tarentum was calculated to prevent Samnite and Lucanian troops from joining Pyrrhus. At the same time the Romans succeeded in throwing a legion, consisting of Campanian allies, into Rhegium, thus closing the Strait of Messana against Tarentine ships.

Battle of Heraclea, 280 B.C.

The hostile armies met at Heraclea, about midway on the coast between Thurii and Tarentum. We would willingly suppose that, of the detailed account of the battle which Plutarch gives, some parts may be traceable to the report of Pyrrhus himself, or at least to other contemporary testimony. It would be desirable to know with certainty whether, as it is related, Pyrrhus really wished to put off the engagement, whether Lævinus urged on a decision, whether the field of battle was fixed by accident or by choice, whether the decision was long pending, and how it was at length brought about. The Romans, it is said, forced by their cavalry the passage of the river Siris, and at first defeated the Thessalian horsemen. Pyrrhus, in close order of battle, awaited the attack of the Romans, who attempted seven times to break through the rigid wall of the Epirotic phalanx. He then advanced to the attack, and launched his admirable cavalry, with the elephants, on the exhausted Romans. This decided the battle. The terrific monsters, which the Romans now saw for the first time, filled them with fear and horror. In disorderly flight they returned to the Siris, which presented to the defeated army a fatal obstacle. If one of the elephants had not been wounded, and if this incident had not caused confusion among the pursuers, the slaughter would have been much greater than it was. The camp could not be defended. It fell into the hands of the victors. The remains of the army

were probably collected in Venusia. Pyrrhus had won a great and decisive battle, to which strategic talent had no doubt contributed as much as the bravery of his army. We may presume that he intentionally enticed the Romans to cross the Siris, and forced them to an engagement on ground where an easy retreat was cut off.[1] That he, by his own example, inspired the Epirots with heroism we may take for granted, but none of the anecdotes which are related about this and other details are worth repeating.[2]

Losses on both sides.

The losses on both sides were very considerable. If, as reported, 7,000 Romans were left on the field of battle and 2,000 were taken prisoners, there has seldom been a battle fought which, in proportion to the number of combatants, was more destructive. The Romans lost almost one-half of their army. The conquerors too suffered severely, if it is true that 4,000 were killed. This was a loss which must have been the more severely felt by Pyrrhus, because he carried on war in a foreign country, and could not easily replace the loss of his tried old warriors by new ones. We may readily believe the report that he was amazed when he saw with what courage the Romans fought and died, and that he was anxious to terminate the war as soon as possible.[3]

Results of the victory of Pyrrhus.

Yet, whatever may have been his losses, Pyrrhus had cause to be satisfied with the result of his first battle on Italian soil. He had justified the confidence of the Italian Greeks, who had called him to their assistance. Every word of discontent was now silenced in Tarentum, and the resources of that town were at his disposal without reserve or grudge. The other Greek towns joined

[1] Perhaps it is this error of Lævinus which is referred to in the words of Fabricius (Plutarch, *Pyrrh.*, 18), who said that the Romans were not defeated by the Epirots, but Lævinus by Pyrrhus.

[2] Plutarch, *Pyrrh.*, 16. Dionysius, xviii. 2–4.

[3] Roman patriots related afterwards that Pyrrhus made a votive offering in a temple of Tarentum, with an inscription in which he called himself the conqueror and the conquered of the hitherto invincible Romans (Orosius, iv. 1). Whatever we may think of Pyrrhus' generosity, we cannot think that he was a fool, to make such a declaration.

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him. The Roman garrison in Locri was surprised, and the town was given over to Pyrrhus. The eighth Roman legion, consisting of Campanians, was, as we have seen, stationed in Rhegium. Perhaps they had good reason to apprehend a similar act of treason on the part of the Greek population of Rhegium. They anticipated the danger by massacring all the men of Rhegium who were capable of bearing arms; and, after the example of their countrymen, the Mamertines, in Messana, they took possession of the town for themselves. If, after committing these atrocities, they had not thrown off their allegiance, but had kept possession of Rhegium for Rome, they might have expected reward instead of punishment.[1] But they may have thought that after the battle of Heraclea the power of Rome was gone down. They hoped to keep Rhegium for themselves, and, like the Mamertines in Messana, to be able to form an independent state. Thus Rhegium was lost to the Romans, and it seems they retained not a single town of Magna Græcia in their power.

Conduct of the Bruttians, Lucanians, and Samnites.

The Bruttians, Lucanians, and Samnites had only waited for a signal to rise against Rome. They flocked now in great numbers to Pyrrhus. But it appears, from the following events, that they rendered hardly any real service. They may have been of some use as guerillas, and may have done much damage to the Romans; but if Pyrrhus tried to enrol them into his regular army he would not fail to find them untrustworthy[2] and lukewarm. They knew the indomitable perseverance of the Roman people, and the inconstancy of the Greeks. They did not feel any attachment to either. Romans as well as Greeks were their hereditary and natural enemies. The fear of

[1] Like the garrison of Casilinum, 216 B.C. (see Livy, xxiii. 17).

[2] In the battle of Asculum they are said to have attacked and plundered Pyrrhus' own camp (Zonaras, viii. 5). It was similar in the Peninsular war, 1808–13. The Spaniards were, as regular troops, of little use to the Duke of Wellington. But as guerillas they rendered important services. Upon one occasion, when they were favoured by the locality of Baylen, they succeeded in inflicting on the French a severe blow. Thus the Samnites, in 277 B.C., routed the consuls P. Cornelius Rufinus and C. Junius Brutus.

Roman retaliation was, no doubt, much stronger than the hope of gain which the victory of Pyrrhus could hold out to them. It is therefore probable that the Samnite and Lucanian peoples did not formally resolve on a war against Rome, but that only volunteers joined Pyrrhus, and did so on their own account for the sake of plunder, without affecting materially by their co-operation the course of events.[1]

Overtures for peace.

Pyrrhus judged rightly of the state of things. He wished to make use of the fresh impression of his victory, and to conclude peace with Rome, in order to devote himself to the further execution of his plans regarding Sicily. Whilst slowly advancing, he sent Kineas to Rome, and offered peace on the most favourable terms. The freedom of the Italian Greeks was the first and most important of his conditions. Pyrrhus could not ask for less, and he might have been satisfied with this concession. He had not the slightest inducement to protect the Italians against Rome. It was doubtful whether the Greek towns, once assured of their safety from Roman aggression, would not rather have seen these peoples under the power of Rome than in a state of independence; for only the fear of Rome could, as in former times, prevent them from turning their arms against the Greeks. If, then, in the various meagre accounts of the negotiations for peace, it is said that Pyrrhus demanded for the Samnites, the Lucanians, the Bruttians, and Daunians the restoration of all that the Romans had taken from them, all that can be meant must be, at the outside, the withdrawal of the Roman colonists from Luceria and Venusia.[2]

[1] As the Romans had sent 20,000 colonists to Venusia alone, it follows that a great number of the previous inhabitants of that country must have lost their property and the means of subsistence. Such people had only the choice between starving and marauding. In the second Punic war the south of Italy swarmed with such hordes, who were more robbers than soldiers.

[2] Appian, iii. 10, 1. Plutarch's account (*Pyrrh.*, 18) is very different: he says that Pyrrhus promised the Romans his co-operation for the conquest of Italy.

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Embassy of Kineas to Rome.

The embassy of Kineas to Rome was celebrated in antiquity and was a favourite topic for rhetorical declamation. It is said that he took with him beautiful presents for men and women, but offered them in vain.[1] Rome, which in a later time the Numidian king Jugurtha declared to be ready to sell itself if only a purchaser could be found, was still, as is related, pure and virtuous. It was the time of Manius Curius, the conqueror of the Samnites, who, sitting by his own hearth and eating his simple peasant's food, had proudly rejected the tempting presents of the Samnites; it was the time when C. Cornelius Rufinus was cast out of the senate by the censors because he had silver plate to the weight of ten pounds in his use. And was not Fabricius, the first soldier and statesman of his time, a pattern of simplicity and contentment, and superior to all temptation? What a contrast to the mercenary Greeks, whose greatest patriots and statesmen were publicly accused of bribery, and were compelled to defend themselves against such charges before the public tribunals! But Kineas was a shrewd, experienced negotiator. Where one scheme failed, he tried another. He discovered the point where the stout Romans were vulnerable. He flattered their pride. On the second day after his arrival he knew the names of all the senators and knights, and had something obliging to say to each. He visited the influential men in their houses, to get them secretly to favour his propositions. At length, when he appeared in the senate and made known his commission, when he brought offers of peace and friendship from the powerful king of Epirus, the redoubted warrior, the victor of Heraclea, the senate wavered in its decision; the deliberations lasted many days, and it appeared that the advice of those would prevail whose courage was damped and whose confidence was small. At that critical moment, the blind Appius Claudius, bowed down with age and infirmity, appeared, supported by his sons, in the solemn assembly.

[1] Plutarch, *Pyrrh.*, 18. According to Zonaras, however (viii. 3), the attempts at corruption were not fruitless.

He had for some years retired from public life, but his haughty temper could not brook the idea that Rome should accept laws from a foreign conqueror. The Claudian pride, which animated him, was the genuine Roman pride, the first national virtue. He summoned all his strength once more to raise his voice in that council which he had so often swayed by his wisdom, and had subdued by his indomitable will. As if from the grave, and as if inspired by the genius of a better time, his words, echoing in the ears of the breathless assembly, scared away all pusillanimous considerations and infused the spirit of resistance which animated the men of Rome when, from the height of the Capitol, they beheld the Gaulish conquerors rioting in the ruins of their town. The speech of Appius Claudius was a monument of a glorious time, the contemplation of which warmed and inspired succeeding generations. It is the first speech of the contents of which there has been preserved a substantially correct report. Later generations believed they possessed even the exact words, and Cicero speaks of it as of a literary composition of acknowledged authenticity.[1] This view is hardly tenable; but it may be believed that the general purport and some of the arguments of the speech were faithfully preserved in the Claudian family books, and we cannot deny ourselves the pleasure of listening to the faint echo which introduces us for the first time into the immediate presence of the most august assembly of the old world.

Speech of Appius Claudius.

According to the tradition, Appius spoke something as follows: 'Hitherto, assembled fathers, I used to mourn that I was deprived of the light of the eye; now, however, I should consider myself happy if, in addition to that, I had lost the sense of hearing, that I might not hear the disgraceful counsels which are here publicly proposed, to the shame of the Roman name. How are you changed from your former estate! Whither have your pride and your courage flown? You that boasted you would have opposed

[1] Cicero, *De Senect.*, 6; *Brutus*, 16.

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the great Alexander himself, if, in the period of your youth, he had dared to invade Italy; that he would have lost in battle against you the fame of the invincible, and would have found defeat or death in Italy, to the glory of the Roman name,—you now show that all this was nothing but vain boasting; for you fear now the Chaonians and Molossians, who have always been the spoil of the Macedonians, and you tremble before Pyrrhus, who passed his life in the service of one of Alexander's satellites. Thus one single misfortune has made you forget what you once were. And you are going to make him who is the author of your shame your friend, together with those who brought him over to Italy. What your fathers won by the sword, you will deliver up to the Lucanians and the Bruttians. What is this but making yourselves servants of the Macedonians? And some of you are not ashamed to call that peace which is really slavery!'

Failure of the embassy.

When Appius had spoken, the negotiations with Kineas were broken off. He was warned immediately to leave the town, and to inform his king that there could be no idea of peace and friendship between him and the Roman people untill he had left the shores of Italy. That was the answer of a people conquered, but not broken in spirit, a people prepared to stand up for their honour and their greatness, even to the last man. The impression which the Romans made on Kineas is described as very powerful. It is said that he compared the town of Rome to a temple, and the senators to kings. Indeed, the dignity, the calmness, and firmness of the Roman people could not have failed to convince him that the Romans were barbarians of a peculiar type; although in refinement and polish, in art and the higher enjoyments of life below the Greeks, still as citizens and soldiers very superior to them. The day of Heraclea was far from damping their courage. A new army was formed in Rome, probably under Kineas' own eyes, from volunteers, who, full of enthusiasm, poured thither from all parts to fill up the gaps. The consul T. Coruncanius was recalled

from Etruria. The Latins and the Italian allies showed no inclination to desert Rome. The colonies, the military bulwarks of Roman power, stood firm. Nothing was tottering in the great edifice. The Romans heard without fear the sounds of the approaching storm.

Advance of Pyrrhus.

Pyrrhus had begun to move, probably at the same time at which he had sent Kineas to Rome.[1] He directed his march through Lucania to Campania, and tried by a *coup de main* to seize Capua and Naples. Failing in this, he turned northwards, crossed the Volturnus and the Liris, occupied Fregellæ, and reached, on the Latin road, Anagnia, in the country of the Hernicans. He nowhere met with a friendly reception.[2] He was in an enemy's country, and with every step that he made forwards the difficulties and the dangers of his situation increased.[3] His army, which had been joined by Samnite and Lucanian hordes, was encumbered with spoils and numerous prisoners. It is doubtful whether he was in a condition to venture on a battle with Roman legions; a reverse at such a distance from Tarentum would have been ruin. It is nevertheless probable that not Pyrrhus but the Romans avoided a collision; for they knew that, even without a battle, the hostile army would be com-

[1] The chronology is uncertain. See Droysen, *Hellenismus*, ii. 133, Anm. 84.

[2] It is not likely that the people of Anagnia received him as a friend. Anagnia had been severely punished for its faithlessness in the third Samnite war, and had most probably been dismantled, like Velitræ (Livy, viii. 14), and like all those rebellious towns which were not changed into Roman colonies and thus secured by Roman garrisons. If, then, Anagnia was an open town, it is absurd to speak of a surrender to Pyrrhus. It was occupied because it could make no resistance. Accordingly nothing is said of its punishment by the Romans after the retreat of Pyrrhus.

[3] That Pyrrhus advanced beyond Anagnia as far as Præneste and seized the citadel of this latter town (Appian, iii. 10, 3; Florus, i. 18; Eutropius, ii. 7) is not likely. Præneste was impregnable and no doubt garrisoned by Roman soldiers, for the Romans had in the beginning of the war carried away some Prænestines whose fidelity was suspected and had put them to death. After such severity they could not confide the defence of Præneste to the citizens. If any one town received a Roman garrison, as Zonaras says (viii. 3), on account of its fickleness, it was surely the important town of Præneste which blocked up the way to Rome on the Latin road. A re-conquest of Præneste is accordingly not spoken of, any more than a punishment of Anagnia.

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pelled to evacuate Latium. They confined themselves to harassing the enemy in the flank and rear. On all sides there appeared newly formed legions, so that Pyrrhus exclaimed in despair that he had to fight with the Hydra. Still the Romans ventured on no attack. The enemy marched with their spoils to Campania, where they passed the winter. Pyrrhus went thence to Tarentum.

Renewed negotiations for peace.

After the termination of the campaign, which, in spite of the important events, had brought no decision, both sides made their preparations for the anticipated struggle of the ensuing year. The losses of the Romans in dead, wounded, and prisoners had been great. They now sent an embassy to Pyrrhus to treat with him respecting the exchange or ransom of the prisoners. Pyrrhus had not yet given up the hope of concluding peace, and he made use of the presence of the Roman ambassadors to make new proposals. His negotiations with Fabricius, the head of the embassy, supplied the inventors and collectors of anecdotes with favourite topics wherewith to eulogise in the usual manner the civic virtues of the Romans. Pyrrhus, who, as a Greek, naturally thought every man had his price, offered Fabricius, it is said, a large sum of money, from mere friendship and respect, which, however, Fabricius, proud in his poverty, rejected; it is even said that Pyrrhus wished him to enter into his service.[1] At last he put his presence of mind to the test by placing his largest elephant behind a curtain and then causing the curtain to be drawn, so that Fabricius found himself immediately under the monster's trunk and tusks. But this test also the undaunted Roman stood: he only smiled when the elephant began to roar. While Roman writers amused themselves with such silly stories, they neglected to investigate and to report the truth about the result of the embassy. According to some of them, Pyrrhus[2] released all the prisoners without

[1] There is hardly any degree of absurdity which, in the eyes of some Roman historians, did not seem deserving of credit. Eutropius (ii. 8) coolly relates that Pyrrhus offered Fabricius the fourth part of his kingdom.

[2] Livy, epit., xiii. Florus, i. 18. Eutropius, ii. 7. Zonaras, viii. 4.

ransom, in the hope of inducing the Romans, by his magnanimity, to make peace; according to another,[1] he released only 200 prisoners; according to a third,[2] he allowed the prisoners to celebrate the feast of Saturnalia among their relatives at home, on condition that they should return to their captivity. It is said that the Roman senate accepted this with thanks, and threatened those with death who should break their solemn promise.

Victory of Pyrrhus at Asculum, 279 B.C.

Whatever may have been the result of the negotiations regarding the exchange of prisoners, Pyrrhus failed in his endeavours to conclude peace. It was now necessary to commence a new campaign. Pyrrhus did not, as in the first year, march towards Campania and Latium, the centre of the Roman dominions, but to Apulia, in the hope probably of conquering Venusia. Here a second great battle was fought near Asculum. Pyrrhus was again victorious. But the Romans were able to retire into their fortified camp, and lost fewer men than in the fatal battle of Heraclea. This sufficed for some of the mendacious annalists to represent the battle as indecisive, and even as a Roman victory; and as it happened that one of the Roman commanders was the consul Decius Mus, the story of the self-sacrifice of his father and grandfather was furbished up anew to suit the grandson. We shall not expect to find trustworthy detailed accounts of a battle which has been handled so freely by the successive historians, nor shall we endeavour to reconcile inconsistent narratives. The loss of the king is computed at 3,505 men by Hieronymus of Cardia, a contemporary writer. This loss cannot be supposed to have weakened the victorious army to such an extent as to prevent the vigorous continuation of the war. The expression put into the mouth of Pyrrhus, 'Another such victory and I am lost,' is one of those worthless anecdotes which occupy the place of historical record. Yet

Compare Niebuhr, *Röm. Gesch.*, iii. 587, Anm. 872; English translation, iii. 501.

[1] Justin, xviii. 1.

[2] Appian iii. 10, 5. Plutarch, *Pyrrh.*, 20.

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we hear nothing of any further operations after the battle at Asculum. What paralysed Pyrrhus, we cannot guess. Whether, as is reported, he was wounded at Asculum, and for that reason remained inactive in Tarentum; whether the affairs of Epirus, which was threatened just then by an invasion of the Gauls and by domestic troubles, occupied his attention; whether he was already tired of the whole war in Italy, and was making preparations for his Sicilian campaign, we know not. One thing is plain, that the vigour of his attack relaxed, while the resistance of the Romans was on the increase. The difficulties of a war in an enemy's country far from all native resources were felt more and more. Such a war can, indeed, only be carried on successfully when the population of the country are either quite neutral or sympathize with the foreign invader. Where that is not the case, it is only by constant and large reinforcements from home or by the greatest talent in a commander that a speedy catastrophe can be averted. Thus Agathokles and Regulus in Africa, Alexander of Epirus, and even Hannibal in Italy failed, in spite of all their success in the beginning.[1] That the war of Pyrrhus in Italy took the same course is a further proof of the lukewarm disposition of the Italian nations, of whom it has been falsely reported that they had formed with him a regular alliance against Rome.

Alliance of Rome with Carthage.

One event had great influence on the progress of the war. At this time (about 279 B.C.), probably before the battle of Asculum, the Romans concluded an offensive and defensive alliance with Carthage. Already, seventy years before (348 B.C.), these two states had concluded a treaty of navigation, by which they might regulate their commercial intercourse on amicable terms.[2] About half a century later

[1] History presents numerous parallels, such as the Crusades, the wars of the German emperors in Italy, the wars of England in France and North America, those of Charles XII. of Sweden, and of Napoleon in Russia. The recent invasion of the Crimea severely taxed the resources of two most powerful countries of Europe.

[2] This was five years before the first Samnite war. Polybius (iii. 22) dates it two centuries and a half too early. See Mommsen, *Chronologie*, p. 320.

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(306 B.C.) they renewed this treaty. Now they were united by their common interests to oppose the ambitious plans of King Pyrrhus, which were directed no less against Sicily than against Italy. Carthage had for centuries possessed settlements on this island. It had subjugated the western part, which lay almost opposite Carthage; but the chequered wars with the Sicilian Greeks had hitherto led to no decided success. Now at length the time seemed to have arrived when they might possess themselves of the whole island. After the death of Agathokles (286 B.C.) the power of Syracuse rapidly declined. Torn by parties, confined to the defence of their walls, the Syracusans seemed doomed to the yoke of Carthage, and the conquest of Syracuse would easily have been followed by that of all Sicily. Pyrrhus was the last hope for the Greeks in Sicily, and he was moved not only by sympathy for his countrymen, but by his own ambition and the claims which, as husband of the daughter of Agathokles, he might in some measure put forward to the inheritance of the murdered tyrant. The greater therefore his interest and his desire to bring the war in Italy to an end, that he might go to the assistance of the hard-pressed Syracusans before it was too late, the more was it the interest of Carthage to detain him in Italy. Hence this alliance with Rome—an alliance by which Rome, after the defeat at Heraclea and after all the successes of Pyrrhus, was not a little encouraged to persevere in the war. The co-operation of the Carthaginian fleet, which was agreed upon, was of incalculable importance for Rome, though, on the other hand, it was hardly advisable to give to such a power as Carthage an excuse for interfering in the affairs of Italy. Of the distrust and the mutual jealousy of the allied powers we have a proof in the conditions of the treaty preserved by Polybius,[1] which prescribe minutely how and when assistance should be rendered. The same is evident from a statement preserved by Justin and Valerius Maximus,[2] to the effect that

[1] Polybius, iii. 25. [2] Justin, xviii. 2. Valer. Max. iii. 7, 10.

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when a Carthaginian fleet made its appearance on the coast of Latium (probably while Pyrrhus was marching upon Rome), the Romans declined the proffered assistance. They were placed between two dangers, and it was not less in their interest to hasten the departure of Pyrrhus from Italy than it was in the interest of the Carthaginians to keep him there. We cannot be far wrong in supposing that the Roman politicians did all in their power to shift the scene of war from Italy to Sicily. We may therefore readily believe what Appian[1] reports, that the Romans made an agreement with Pyrrhus, in consequence of which the prisoners of war were exchanged and an armistice concluded. The offensive and defensive alliance with Carthage did not allow the Romans to conclude a separate peace. But they were at liberty to conclude an armistice, whereby they obtained freedom to act against the allies of Pyrrhus in Italy, whilst he had the same freedom to act against the allies of Rome in Sicily. We do not know whether a condition of the armistice guaranteed Tarentum against hostilities on the part of Rome, but it seems highly probable that Pyrrhus did not sacrifice this town, the safety of which concerned his honour no less than his interest.[2] Milo remained in Tarentum with an Epirotic garrison, the son of Pyrrhus, the youthful Alexander, was left in Locri. The other Greek towns in Italy were likewise secured by Epirotic garrisons, whilst the native troops of those towns probably accompanied Pyrrhus to Sicily.[3]

Arrival of Pyrrhus in Sicily.

In Sicily the arrival of Pyrrhus produced a rapid and

[1] Appian, iii. 12.

[2] The Fasti Capitolini, it is true, report for 278 B.C. a triumph of Fabricius over the Lucanians, Bruttians, Samnites, and Tarentines. But this lying chronicle deserves no credit, unless it is supported by other evidence. The writers who, in the time of the emperor, abridged the voluminous works of Livy and others are not guilty of having curtailed the glory of their ancestors. Yet Eutropius (ii. 14) speaks only of a triumph over Lucanians and Samnites.

[3] We may pass over the story of the traitor who is reported to have promised Fabricius to poison Pyrrhus, but whose offer was rejected. That Pyrrhus did not give up the war with the Romans out of admiration for their generosity is sufficiently evident from the fact that, after all, he resumed it on his return from Sicily.

complete change. Enthusiastically received by the Greeks as their saviour from the hands of the barbarians, he reconciled the hostile parties amongst them, organised the military force of the Greek cities, and in a short time swept the Carthaginians from the greater part of the island. They retired to their fortified places in the west, but even here they were not safe. The town of Eryx was stormed, Pyrrhus being the first man on the wall. Soon after Panormus and Ercte were taken. Lilybæum alone resisted, being protected by its favourable situation and by a Carthaginian fleet. In the north-east of the island the Mamertines were blockaded in Messana; and all Sicily therefore, with the exception of these two towns, was now in the hands of Pyrrhus. The plan of founding a great Greek empire in the west seemed to be approaching realisation. The lord of Ambrakia, Tarentum, and Syracuse, the conqueror of the Romans and Carthaginians, seemed to be entitled to hope that, after such results, he would succeed in completing his work and in establishing a lasting dominion.

Siege of Lilybæum

But so near the accomplishment of his plans Pyrrhus saw all his hopes dashed to the ground, and was deprived of all the fruits of his victories and labours. The flood which had borne him along began to ebb, and soon he found himself carried back to the point from which he had started. Carthage, unlike Rome, had lost courage and self-confidence, and had offered Pyrrhus peace and friendship, ready to give up to him the whole of Sicily with the sole exception of Lilybæum. This offer Pyrrhus refused. He and his friends in Sicily knew that, as long as the Carthaginians had possession of one stronghold in Sicily, they would watch the first favourable opportunity to re-conquer from this point all that they had lost. The war therefore continued. Pyrrhus contemplated not only the conquest of Lilybæum but even a landing in Africa, hoping to realise the bold plan of his father-in-law Agathokles, who had all but succeeded in overthrowing the dominion of Carthage. But,

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in spite of all his efforts, he failed even to take Lilybæum. Having continued for two months his siege operations, he was obliged to give up the attempt of taking the town by force. His great triumphs over the Carthaginians, and the universal enthusiasm of the Greeks, were now succeeded by discouragement, discontent, discord, and mutual complaints.

Failure of Pyrrhus in Sicily.

The strict military discipline and the inforcement of unconditional obedience, which, under such circumstances, were more necessary than ever, appeared an unbearable burthen to the Sicilian Greeks, when the fitting out of a fleet for the African expedition demanded new efforts. Pyrrhus was inexorably severe, perhaps even cruel, though cruelty was not generally in his nature. At any rate he was accused of it by those who refused to submit to his commands. Fickle, inconstant, and faithless as the Greeks always were,[1] they now opened negotiations with the Mamertines of Messana, and even with the Carthaginians. The newly created kingdom of Sicily passed away like a shadow. The Carthaginian army issued out of Lilybæum to overrun the island. Once more the king of Epirus, summoning all his strength, encountered them and drove them back into their strongholds, after inflicting a bloody defeat. Nevertheless he seemed tired and dispirited. The war in Sicily had lost its charm for him when, at the end of almost three years, he found that he had not been able to gain even the attachment, fidelity, and ready co-operation of the Greeks. He saw that personal passions and the interests of parties were dearer to them than all national aspirations; he therefore turned his back upon them as soon as he found a pretext for leaving the island.

Condition of the Italian Greeks.

The situation of his allies in Italy was sufficiently alarming to urge him to return. During the three years of his Sicilian expedition the Romans had not only recovered

[1] Compare the shameful treatment of Dion by the Syracusans after he had only just delivered them from the tyrant Dionysius.—Plutarch, *Dion.*, 37. Diodorus, xvi. 17. Grote, *Hist. of Greece*, xi. 147 ff.

from the great sufferings[1] of the disastrous war, but they had even begun to re-conquer the ground that they had lost. The attempt, it is true, to punish the Samnites for the share they had taken in the war ended in their humiliation and severe loss; for the consuls of the year 277, C. Junius Brutus and P. Cornelius Rufinus, ravaging Samnium with fire and sword, and venturing too far among the mountains, had been attacked by the mountaineers and totally defeated. But, in spite of this reverse, the superiority of the Romans became more and more manifest. They gradually regained possession of the Greek towns which had been lost in the course of the war. Heraclea surrendered on obtaining favourable conditions. This example was followed by others. In every town a Roman party was astir, which demanded an alliance with Rome, as they had done even before the war.

Roman victories.

Whilst this party in the town of Croton was calling in the Romans, their opponents sent to Tarentum to ask Milo for aid. The Epirot general forthwith dispatched Nikomachus to Croton with a body of troops, who anticipated the Roman consul Rufinus in the occupation of the town, and fell upon him, inflicting a serious loss, when he appeared before the gates in the hope of being received within the walls.[2] Rufinus, who had no prospect of taking Croton by force, forthwith marched in the direction of Locri, and contrived to make Nikomachus believe, by some pretended deserters, that he had friends in Locri who were about to surrender the town to him. Nikomachus hastened again to anticipate him, and reached Locri by a shorter way, perhaps by sea. Thus Croton was again deprived of

[1] Between 281 B.C. and 275 B.C. the number of citizens had decreased by 17,000.

[2] Nothing was more common than this kind of proceeding. The rupture with Tarentum was caused by the failure of a similar attempt on the part of the Romans (see p. 493). The events which took place on that occasion receive an illustration from the words with which Zonaras (viii. 6) describes the attempt on Croton: Καὶ ἐπὶ Κρότωνα ὥρμησεν ἀποστάντα Ῥωμαίων, μεταπεμψαμένων αὐτὸν τῶν ἐπιτηδείων, φθασάντων δὲ τῶν λοιπῶν ἐναγαγέσθαι παρὰ τοῦ Μίλωνος φρουρὰν ἧς ἦρχε Νικόμαχος. Ἀγνοήσας οὖν τοῦτο καὶ ἀμελῶς τοῖς τείχεσι προσιὼν ὡς πρὸς φίλους ἔπταισεν ἐξαίφνης ἐπεκδραμόντων αὐτῷ.

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the greater part of its garrison. Rufinus immediately returned, and succeeded in surprising the town under cover of a mist. Soon after the Epirot garrison of Locri was set upon and massacred by the inhabitants, and the town surrendered to the Romans. Thus the whole coast, with the exception of Tarentum and Rhegium, was again in Roman hands. Both parties had arrived at the same point which they had occupied in the beginning of the war.

Third campaign of Pyrrhus in Italy.

This was the condition of affairs in Italy when Pyrrhus, listening to the entreaties of his allies, sailed, probably in the autumn of 276 B.C., from the port of Syracuse. The Carthaginians lay in wait for him, and in a smart naval engagement he lost a number of his ships. Having landed on the southern extremity of Italy, he was obliged to fight his way through the territory of Rhegium, where the Mamertines of Messana and the Campanian mutineers, now masters of Rhegium, endeavoured to intercept him. If the latter thought by this act to gain the favour and pardon of Rome, they were grievously mistaken, for Rome could not overlook or compromise the faithlessness of her allies and the mutiny of her soldiers, and she was even now meditating what punishment she should inflict on them. Pyrrhus forced his way, with his usual good fortune and his accustomed bravery; he succeeded even, on his further march to Tarentum, in regaining possession of the Greek towns on the coast. In Locri severe punishment was inflicted on those who had surprised the Epirotic garrison and delivered the town to the Romans. For the third time this unhappy town changed its masters, and, as usual, the change was accompanied by an internal revolution. It is impossible to imagine a more lamentable condition than that of these Greek towns, once so flourishing and now doomed to destruction. Torn by factions which had sold themselves to the belligerent foreign powers, they were crushed in the violent collision which they had been instrumental in bringing about. Their wealth, their splendour, their large population were gone. In their helplessness they could not even protect themselves from

the wild hordes of Campanian filibusters. Caulonia[1] and Croton[2] were laid waste and sacked by them. Croton, once swarming with a numerous population, dwindled now to the dimensions of a village, which, in a corner of the wide space encircled by the ancient walls, prolonged a precarious existence among the mouldering ruins of her former grandeur. Whatever treasures, the remains of forfeited wealth, were found in these towns were carried off either by the Romans or by the Epirots. Pyrrhus, on this occasion, plundered even the sacred treasure in the temple of Persephone at Locri, and, it is related, was only induced to restore the spoils when his ships were driven back into the harbour by a storm.[3]

Pyrrhus at Tarentum.

After an absence of almost three years, Pyrrhus appeared again in Tarentum at the head of an army which, in point of numbers, was equal to that with which he had commenced the war against Rome, five years before. But the quality of his troops was different. In the place of his devoted Epirotic veterans, whose bones were now bleaching on the battle-fields of Italy and Sicily, his ranks were filled with foreign mercenaries, or men pressed into his service, both Greeks and barbarians. Many of his best officers had fallen in battle. A different spirit animated the army and the king. The enthusiasm and the hope of victory had given place to the depression of spirits which arises from failure and shattered hopes. The actions of the king betrayed a want of firmness and decision; he was more inclined to severity, contrary to his original disposition. His good spirit seemed to have forsaken him. Kineas was no longer living; it seems that he had died in Sicily. A second friend and adviser like him Pyrrhus found no more.

Agitation at Rome.

The return of the king of Epirus produced a deep impression in Rome. Here also the enthusiasm had vanished with which, after the battle of Heraclea, the young men

[1] Pausanias, vi. 3.

[2] Zonaras, viii. 6. This taking of Croton belongs probably to the time previous to the return of Pyrrhus from Sicily, as the Roman garrison was put to death on that occasion.

[3] Dionysius, xix. 9.

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had vied with each other in enrolling themselves in the newly-raised legions. Instead of zeal and eagerness for the service of the country, a general apathy was manifested. It was necessary for the authorities to resort to the most rigorous measures and punishments, in order to compel the reluctant to military service. The general terror increased, as usual, the superstition of the people, and made them see the anger of the gods in extraordinary phenomena. The clay statue of Jupiter on the roof of the Capitoline temple was struck by lightning and its head hurled into the Tiber. We may be sure that days of supplication and prayer were appointed to calm the terrified spirits of the people, and to implore the favour of the gods.

Defeat of Pyrrhus at Beneventum. 275 B.C.

Meanwhile the armies took the field for the last decisive campaign. Whilst one consular army, under L. Cornelius Lentulus, marched into Lucania, where in all probability it had to encounter only some irregular troops of Samnites and Lucanians, the other army, under Manius Curius, suddenly fell in, near Beneventum, with the main body of the enemy, under the personal command of the king. It seemed advisable to avoid an engagement, until the consul Lentulus could approach with his army, for the support of Curius. The Romans therefore occupied a fortified position on the hills. Pyrrhus, being anxious to anticipate the arrival of the second Roman army, ventured, with his unwieldy phalanx and his untrustworthy troops, to storm the position of the Romans. The circumstances were all unfavourable to Pyrrhus. Neither the phalanx, nor his cavalry, nor his elephants could act with advantage on the uneven ground. A total repulse was inevitable. The elephants were thrown into disorder on being received by the Romans with burning projectiles. Two of them were killed, four were taken, to be led in procession in the triumph which Manius Curius celebrated for this glorious victory.

Departure of Pyrrhus from Italy.

The army of Pyrrhus was shattered to pieces. He had no prospect now of being able to continue the war any longer. Italy offered him no resources. Neither the

Samnites, nor the Lucanians, nor the Italian Greeks appear to have been able or disposed to make further efforts. Pyrrhus applied in vain for assistance to Macedonia, Syria, or Egypt. Deserted on all sides, maligned and threatened, he had no choice but to give up the unequal contest, which nothing but his eminent military talent had enabled him to carry on with credit for five years. He took leave with a heavy heart of the land which he had come to deliver from the barbarians, and where he had hoped to establish a great kingdom. Yet he did not abandon all his plans at once. To give up Tarentum would have been equivalent to surrendering it to the Romans. He therefore left Milo and his son Helenus in Tarentum with a strong garrison, and embarked with an army of 8,000 foot and 500 horse to return to his own country; not, however, there to repose in peace, but to plunge into new ventures one after another, to stretch out his hands for the throne of Macedonia, and at last to fall in the wild uproar of battle. He fought for a while very successfully against Antigonus Gonatas in Macedonia. Then he was induced to make an expedition into Peloponnesus; here he failed in a desperate attack on Sparta, and when thereupon he turned against Argos, to wrest it from Antigonus, he was hit by a tile thrown from a roof by a woman. Lying on the ground, wounded and helpless, he was recognised by a wretch and murdered. Alkyoneus, the son of Antigonus, hastened in triumph to lay his head at his father's feet, but the king of Macedonia, when he saw the features of his enemy, hid his face and reproved the barbarity of the young man. He was overcome by the sudden change of fortune, and remembered sorrowfully his father Demetrius and his grandfather Antigonus, both of whom fortune had raised high to let them fall low. He caused the remains of Pyrrhus to be honourably buried, and treated his son Helenus as a friend and protector.

Hellenic civilisation in the East and West.

The life of Pyrrhus is a true picture of the time, a time full of the grandest ventures, of violent passions and unsatisfied ambition. The successors of Alexander the Great

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were not worse than other conquerors. If their deeds had not been described by tedious historians, but sung by inspired poets, they would stand before our eyes in the brilliant light of Homeric heroes. It was not a happy period for the welfare of the peoples. They were the helpless booty for which the ambitious princes fought. Their wealth, their culture, their morals deteriorated. The Hellenic civilisation, as it spread eastward into Asia, was adulterated by foreign elements, and in the west it was gradually crushed out by barbarism. A revolution took place in the principles which regulated social and political order. The small civic communities, in which the Hellenic civilisation had sprung up and flourished, were absorbed by larger states. In the east there were formed the various monarchies of Syria and Asia Minor, where the Greek spirit of personal freedom received a strong admixture of oriental despotism. In the west was growing up the empire of the Roman republic, where fixed rules equally repressed personal greatness and personal government. What military and political organisation was able to accomplish in a contest with the greatest personal qualities had been shown in the course of the first collision between Romans and Greeks. The next three centuries completed the triumph of the Roman arms and of Roman policy, and at the same time the triumph of the Greek mind.

CHAPTER XVII.

THE CONQUEST OF ITALY.

CHAP. XVII.

Extension of Roman supremacy.

THE decisive battle of Beneventum compelled Pyrrhus to evacuate Italy, and removed all the apprehensions which the Romans had entertained after the first and the second landing of Pyrrhus. Their perseverance, backed by the solidity of their power, had prevailed. They were now enabled to gather at leisure the fruits of their hard-won victory, conscious of their superior strength and perfectly sure of the result. The Sabellian nations were punished for the hostile disposition which they had manifested by supporting Pyrrhus. They were humbled by several defeats, and a new curb was applied to keep them in subjection. In the midst of Samnium, where the great victory had been gained over Pyrrhus, a colony was established in 268 B.C., and the name of the town, for a good omen, changed from Maleventum into Beneventum. Even before this period, in 273 B.C., the maritime colony of Pæstum was established on the site of the Greek town of Posidonia, which had been destroyed by the Bruttians; Cosa, situated[1] on the western coast, and some time after the important town of Ariminum, on the Adriatic, received a garrison of colonists for the protection of the country conquered from the Senonian Gauls. It became more and more evident that the Romans aspired to dominion over the coasts and seas, and this tendency was the natural

[1] The situation of Cosa is doubtful. From Livy (xxvii. 10) it is clear that it lay on the west coast of Italy. Here we know for certain only one town of that name, about half-way between the mouth of the Tiber and the Arno. Mommsen (*Röm. Münzwesen*, p. 233) thinks it must have been a Campanian town.

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result of the preceding contests, which had drawn the Romans into the vicinity of the Adriatic, the Tarentine and Sicilian waters. It was not possible for Rome to remain entirely a continental power. The weakness of the Roman fleet had become apparent in the war with Tarentum. An alliance with Carthage had become necessary for the purpose of securing the co-operation of the Carthaginian fleet. If Rome wished to deliver herself from this dependence, and to secure the possession of the newly-conquered maritime towns, it was necessary that she should aspire to naval power and to an equality with the great maritime nations of the Mediterranean. The first steps in this direction were now taken by the foundation of the three maritime colonies.

Surrender of Tarentum to the Romans, 272 B.C.

But the key-stones of the edifice were still wanting. The dominion of Rome over the continent of Italy could not be considered complete or secure so long as Tarentum and Rhegium were in hostile hands. How important was the possession of a single fortified maritime town had just been shown in Sicily, where the Carthaginians had lost every place except Lilybæum, and were enabled by the secure footing which Lilybæum gave them rapidly to re-conquer almost the whole island. In a similar manner, Pyrrhus, or some other enemy of Rome, might at any time issue from Tarentum to attack the Roman dominions, and the days of Heraclea and Asculum might be repeated. The Romans, therefore, in the year 272 B.C., made great efforts to gain possession of Tarentum. Again they acted in concert with their own party inside the town, for, just as in the beginning of the war, they felt unable to take by a regular siege a maritime town which they could not blockade at the same time on the sea side. The Roman party in Tarentum made the attempt to overpower the opposite party and the Epirotic garrison. But their attempt failed. They were obliged to leave the town and occupy one of the neighbouring places, whence they continued their hostilities against the garrison of Tarentum. A Roman army, under the consul

Papirius, joined them and began to blockade the town on the land side. At the same time a Carthaginian fleet appeared before the harbour, ready to assist the opposite party. Like two wild animals ready to pounce upon their prey and to snatch it from each other, the Romans and the Carthaginians each tried to get possession of Tarentum. Rome had sought the Carthaginian alliance in order to rid herself of Pyrrhus with Carthaginian aid. But she was determined not to allow the Carthaginians to obtain a footing in Italy as they had done in Sicily. They looked upon the allied fleet before Tarentum as if it were the fleet of a rival or an enemy, and they were right in doing so, and in supposing that its object was not to take Tarentum and then to hand it over to them. It is very curious that the state of things was almost precisely the same as that which had existed in 282 B.C. The Romans had hopes of securing the possession of Tarentum by the co-operation of their party within the town, but a foreign power was on the point of anticipating them. If on this as on the previous occasion, the decision had been in the hands of the democrats of Tarentum, the town would have been surrendered to the Carthaginians; for the leaders of the Tarentine people had to expect the most severe retribution from the Romans if they got possession of the place. But the democrats were no longer masters of the situation. Milo, with his Epirotic garrison, held the castle and had unlimited sway. He cared little for the wishes of the one political party or the other. As soon as he had lost all hope of keeping the town intrusted to him for his own sovereign, the question for him was, which of his enemies would offer him the most favourable conditions. Whilst Pyrrhus was alive, a second Italian expedition was at least possible. Now the news arrived of his death, and it spread among his faithful soldiers discouragement and fear. Milo, despairing of relief, could not do better than preserve to the son of his sovereign an army which was now useless in Italy. The Romans showed themselves ready to offer the most acceptable terms. They

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allowed the garrison to march out of Tarentum, carrying with them their arms and all their booty. Probably the leaders of the democratic party left the town at the same time, as they had to dread the revenge of the Romans and of their political antagonists, who now returned to power. The town and citadel of Tarentum were given up to the Romans. The Carthaginians, after the failure of their plan to get possession of the town, sailed back to Carthage, and when the Romans complained of the appearance of their fleet before Tarentum, the Carthaginian senate cast the responsibility on the commander of the fleet, declaring that he had had no authority to approach so near the town.[1] Tarentum, deprived of her arms, her ships, and her walls, had from henceforth a Roman garrison in the citadel, and was treated with forbearance in consideration of the services of the aristocratic party. It is true the prosperity of Tarentum was gone for ever. Its trade was more and more drawn to the new port of Brundusium. But, like the other Greek towns under Roman dominion, Tarentum retained a shadow of its former republican freedom in its local self-government.

Capture and punishment of Rhegium.

After the fall of Tarentum, the long-delayed retribution overtook at last the freebooters of Rhegium.. Since the Roman legion consisting of Campanian allies had treacherously seized the unhappy town, and had cast aside the allegiance to Rome, along with all regard to decency and humanity, Rhegium had become simply a robber state. The mutineers of Rhegium, joined by their kinsmen of Messana, who were guilty of a similar crime, lived by surprising and plundering their neighbours. They had at last attacked Croton, cut down the Roman garrison, and sacked and devastated the city. About this time Hiero had gained supreme power over Syracuse. He supported the Romans with troops and materials of war, to enable them to carry on the siege of Rhegium with greater energy. It was a severe struggle, for the mutineers were

[1] See above, p. 539.

well aware what punishment was in store for them if they fell into the hands of the Romans. The Carthaginians might have assisted them by sea, but this would have been in open violation of their treaty with Rome, which they did not venture upon after having failed to get possession of the far more important city of Tarentum and after they had solemnly declared they had not entertained any ambitious views with regard to the latter city. The siege of Rhegium was therefore carried on without interruption. The town was at last taken by storm. The mutineers who did not fall sword in hand were immediately executed. Only three hundred of them, probably the remnants of the Campanian legion, were sent to Rome in chains, and scourged and beheaded in the market-place. Their bodies were cast to the dogs. Thus Rome avenged her offended majesty, and punished the violation of the military oath, to give a warning to those of her subjects who might possibly entertain similar projects.

Later fortunes of Rhegium.

The deserted Rhegium was restored to the old inhabitants that still survived. These collected gradually from all sides. The favourable position of the town no doubt attracted others. Rhegium revived once more.[1] It obtained its local independence and favourable terms of union with Rome, and it appears that the Greek language and Greek customs survived for some centuries in this locality.

Roman supremacy in Italy.

The struggle was now ended. Without meeting more than isolated resistance, Rome now ruled supreme over the whole of Italy from Ariminum to the Sicilian Straits. The Etruscans, nominally free and independent, were protected by Rome alone from the Gauls, yet in reality they were the subjects of the Roman republic. Roman influence was supreme in the internal government of the Etruscan cities. It supported the aristocratic government,

[1] This was the second restoration of the town. The old colony of Rhegium had been destroyed by the first Dionysius of Syracuse, in 387 B.C.—Diodorus, xiv. 111.

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and wherever it was threatened, as for example in Volsinii, 265 B.C.,[1] it interfered with force of arms and ruled the country by means of these aristocracies, who were in reality the servants and creatures of Rome. The Sabellian nations who had been subjected to the Roman power during the last two generations lost their international independence. In their foreign policy they were henceforth entirely dependent on Rome: Rome's friends and enemies were theirs. In so far therefore they had lost their original sovereignty. They were no longer their own masters, and yet they entered the Roman state neither as slaves nor as tributary subjects. They all of them retained their local self-government, their hereditary laws and manners; they became members of a great confederation which protected them, gave them peace and tranquillity, and asked of them only such services as the military security of the new empire required. The members of the confederation were bound, in fixed proportions, to send their contingents to the Roman army. Nor was their strength taxed too highly; Rome demanded from the aggregate of her allies hardly more troops than were furnished by her own citizens. Besides arming and paying these men, the allies had no burdens to bear. They paid no tribute. Though many of them suffered by the confiscation of part of their domain land, as for instance the Bruttians, from whom half of the forest of Sila was taken, and those in whose territory Roman colonies were established, yet the Roman republic did not systematically plunder them. It seems not improbable that, in all material respects, they were much better off under Roman rule than in the time of their independence, when the everlasting small wars made the accumulation of wealth impossible. The Greek towns on the coast were in a similar dependence on Rome. The terms on which they were admitted into the confederation differed in detail, and were more favourable in some cases, those of Naples and Heraclea for instance, than in others.

[1] See above, p. 479.

But on the whole they also retained their self-government, their jurisdiction, language, and customs. Their military services were regulated and were confined, it seems, to the furnishing and arming of ships. The period of their national splendour as Greek cities was over, but they now began to exercise a powerful influence on Rome and Italy as the chosen missionaries of Hellenic culture. The previous intercourse between Romans and Greeks had been isolated and had produced but trifling results. The antiquity of this intercourse has been greatly exaggerated by both Greek and Latin writers, both of whom took a pride in believing that Romans and Greeks were of a kindred race and had from very ancient times known each other. In truth, however, a regular intercourse between the two nations began at the present period, and the effects of it were soon visible in the religion, customs, and literature of Rome.

Latin colonies.

For the purpose of binding together their conquests and of penetrating them with the spirit of Roman citizens, the Romans made use of their own peculiar system of colonisation. Since the subjection of Latium, 338 B.C., they had begun more and more to send out, not colonies of Roman citizens, but colonies of Latins, who spread over the whole of Italy the same sort of confederation which had existed originally between Rome and Latium, and were the connecting link between the ruling city and the various conquered nations. The Latin colonies consisted partly of Latins and partly of Roman citizens, who sacrificed their higher privileges as Romans for the material advantages which were offered to them in the colonies, and which consisted chiefly in assignments of land. They retained the private rights of Romans, and could under certain conditions acquire the full franchise. But their public rights they exercised in their new homes, which, as copies of the Roman community, had each a senate, a popular assembly, and magistrates. By their descent, their language, and the difficulty of their position in a conquered country and in the midst of a hostile population whose lands they

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occupied, they were of course compelled to cling closely to Rome. They were in some sense members of the ruling people, and in another sense they were, with regard to Rome, in a position similar to that of the allied Sabellian and Greek towns. The Latins and the allies furnished for every Roman legion an equal number of foot, a double or treble number of horse. It was a natural consequence that this political community, coupled with the active intercourse between the colonies and the other towns, produced a uniformity of sentiment and interests, which led to a gradual assimilation of these various kinds of Roman subjects, and to a most intimate union of them with one another and with Rome.

The most important Latin colonies which were established since the organisation of Latium in 336 B.C. till the commencement of the first Punic war 264 B.C., were Fregellæ, Interamna, Sora, in the country of the Volscians, Cales, Suessa Aurunca, Cosa[1] in Campania, Luceria and Venusia in Apulia, Alba in the country of the Marsians, Narnia in Umbria, Carseoli in the country of the Æquians, Saticula, Æsernia, and Beneventum in Samnium, Hatria, Castrum Novum and Firmum in Picenum, Pæstum in Lucania, Ariminum in the country of the Gauls. If we bear in mind that to some of these places 4,000, 6,000, nay to one 20,000, colonists were sent, we shall be able to appreciate the importance of these numerous foundations within a comparatively short time. By this wholesale emigration of Latin citizens Italy was Romanized. The kindred nations of Sabellian descent easily and quickly adopted Roman customs, and exchanged their local dialects for the Latin tongue. The old peculiarities disappeared more and more in the uniformity of Roman customs and institutions which now spread over the whole peninsula. The time was not far distant when an Ennius, born and grown up in Apulia, should sing in Latin hexameters the great exploits of the Roman people. The confederate nations, as well

[1] About Cosa, see above, p. 537, note 1.

those of foreign origin as also the Latins, formed as it were the outer circle or shell of the Roman empire. The kernel consisted of the body of genuine Roman citizens. The double division of the state, the contrast between patricians and plebeians, was repeated on a larger scale, and was spread over the whole of Italy when it had ceased in Rome itself to be of any political importance. The Roman citizens, whether patricians or plebeians, now succeeded to the exclusive possession of political rights from which the Latins and the other allies were excluded. This exclusion was inevitable so long as the newly-formed empire retained the old constitution, which was adapted only for the government of a small territory or a single town. It was physically impossible to assemble on the Forum the population of the whole of Italy. A line had to be drawn for the purpose of separating the sovereign people of Rome from those who were members of the state only as allies. This line included the most southern part of Etruria, almost the whole of Latium, and parts of the land of the Volscians. It was, in truth, too large already, and placed the representation of the more distant parts in the hands of a few who had the means and the leisure to devote themselves to the political life of the capital. An equal division of civil rights and duties, even if it had been contemplated, would have been impossible, unless the town constitution of the republic had been changed into a representative constitution or into a monarchy. The solution of the difficulty by the representative system seemed to be very obvious; for, if from the senates of the separate towns deputies had been sent to the Roman senate, a representative body would have been formed. But the essence of republican institutions appeared to the ancients to consist in a direct participation of every member of the community in the exercise of sovereign power. It was therefore impossible to do away with the public assemblies of the Roman people for the purposes of legislation, and the election of magistrates and for the highest judicial func-

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tions, and it was equally impossible to swell the people of Rome by the aggregate of all the peoples of Italy.

Nature and extent of Roman sovereignty.

Nor was this by any means intended, if it had been possible. The city of Rome and the men who constituted the Roman tribes had acquired by force of arms the dominion over Italy, and they had no intention of sharing it with others. Rome remained not merely the head, but the sovereign head, of the confederation. The Roman senate alone conducted the foreign policy; the magistrates elected in the Roman Forum or in the Campus Martius administered the government, raised the revenue, superintended the census and the distribution of the military burdens. The Roman people claimed for itself the right of legislating for the whole state, a right to which all local rights and privileges were expected to bend. The conduct of the common affairs of the confederation was centred in Rome, and not liable to be influenced by the special interests, wishes, or opposition of the allies. It was determined by one interest alone, the interest of Rome, and to this interest the wishes and claims of the allies were subordinated without hesitation. Such a government would have been an unbearable tyranny if the Romans had been addicted to the modern vice of governing too much, or if they had cruelly or recklessly drained the resources of their allies for their own benefit. They did neither the one nor the other. They demanded no services but military aid in war, and they left the regulation of all internal affairs to local self-government. The systematic spoliation which the proconsuls and the farmers of the public revenue introduced at a later period was yet unknown. For a long time the Italians did not feel their inferiority to the Roman citizens to be an injustice and a hardship. For the present they were firmly attached to Rome, and this attachment is a proof that the Roman dominion was felt to be a benefit.

Classes of Roman citizens.

The body of Roman citizens consisted of three classes. First, those who inhabited Rome itself or the country tribes and who constituted the governing people; secondly,

those citizens who had emigrated into Roman (not Latin) colonies (*coloniæ civium Romanorum*), who retained all their civil rights, but, on account of their absence from Rome, were unable to exercise them. Thirdly, those citizens who possessed only the private rights and not the public franchise (*cives sine suffragio*), and were in reality subjects waiting for the time to be admitted to all the privileges of Roman citizens.[1] The towns on which this lesser privilege was conferred, and of which the chief were Cære, Anagnia, and other communities in the countries of the Hernicans, Volscians, and Campanians, were more limited in their self-government. The Roman law was introduced among them, and the jurisdiction passed into the hands of a prefect sent from Rome, whence they received the name of prefectures. The people of these towns served in the Roman legions, and shared all the burdens of the Roman citizens, although they were not admitted to their political rights. Only their local administration was left in their hands. They were, therefore, almost in the same position as the so-called confederate states (*civitates fœderatæ*) in the more distant parts of Italy; but by their greater proximity to Rome, by being included in the Roman census, by being draughted into the Roman legions, and by the use of the Roman law, they were far more intimately connected with Rome. Accordingly, although they were called Roman citizens, their position was less free and satisfactory, and it is no matter of surprise that a few towns in the country of the Hernicans, who had the option of being admitted into this category of Roman citizens, preferred to remain confederate towns.[2]

Roman allies.

The Roman republic consisted therefore of citizens and allies. The citizens were subdivided into—1st, citizens with the full franchise; 2ndly, citizens in the Roman colonies; 3rdly, citizens without political rights. The allies were, 1st, Latins, in some old Latin towns such as Præneste and

[1] Marquardt, *Röm. Alterth.*, iii. 1, 12.

[2] Livy, ix. 43.

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Tibur, and in the Latin colonies; and, 2ndly, Sabellian and Greek towns enjoying municipal self-government, but subject to furnish troops to the Roman army, or ships to the Roman fleet, and deprived of all political intercourse with other nations. The several towns of Etruria were nominally sovereign, but their political dependence on Rome was such that we may look upon them as *de facto* members of the great Roman confederation.

Population of the Roman federal territory.

Of the population of the federal territory we have no means of speaking with accuracy. Enumerations deserving of credit existed only of Rome itself; of the several Italian populations and of the Greek towns we know nothing but what we can gather from occasional statements of the strength of their armies and the numbers reported to have been slain in battle. It is evident that such statements cannot be trusted. They are in general exaggerated, and the exaggeration increases with the more recent historians. Even with regard to the battles of Pyrrhus we have no trustworthy accounts of numbers, although contemporary writers could consult the reports of King Pyrrhus himself. Hieronymus, who wrote at the same time, gives the number of Romans killed in the battle of Asculum as 6,000, that of the Epirotes as 3,505; whereas later Roman writers state that Pyrrhus lost 20,000 men, and the Romans only 5,000. If such uncertainty prevails in the accounts of the war of Pyrrhus, what can we expect of the statements with regard to the Samnite wars? If we add up the numbers of slain Samnites reported by Livy, we are startled by the result; for no war of modern times, even among the most powerful nations, ever resulted in such wholesale slaughter. The exaggeration is obvious. We cannot believe that the mountains of central Italy, where the Sabines and their kindred races, the Marsians, Vestinians, Pelignians, and further south where the Samnites lived, were able to support a dense population. These mountains were then and are now to a great extent unproductive. The breeding of cattle was the chief resource of the inhabitants. Agri-

culture was not practised on a large scale, and therefore there were no means for the subsistence of large numbers. The climate and geography of their country explain to some extent the restlessness of the Sabellians, their wanderings, and their expeditions for plunder or conquest. The legend of the sacred spring[1] has reference to this state of things. No doubt it often happened that numerous bands left the country to escape the misery of hunger and to obtain by plunder the means of living which the sterile soil refused them at home. This poverty of the country leads us to reject as idle tales what is related of the gold and silver ornaments of the Samnites.[2] The nations of central Italy were poor, not because they were virtuous and abstemious, as the moralising writers of a later period delighted to relate, for the purpose of contrasting the luxury and the vices of their contemporaries: they were poor because in their country the sources of national wealth were wanting, and because, instead of cultivating a peaceable and profitable intercourse with their neighbours, they lived in continual hostility with them and among themselves. Under such circumstances the population cannot have been dense.

Strength of the Greek colonies.

The districts along the coast, especially of Campania and many parts of Larger Greece, were, when compared with the mountainous interior, exceedingly fertile, and consequently well peopled. They were covered with several large and a great number of small cities. Among them Capua was pre-eminent by its wealth and population. Of the extraordinary prosperity of the Greek colonies wonderful stories were related. Croton and Sybaris are said to have led armies into the field consisting of hundreds of thousands of men. Even so late as at the beginning of the war with Rome, the single city of Tarentum could dispose of a force of 20,000 foot and 2,000 horse.[3]

[1] See p. 153. [2] See above, p. 470.

[3] Diodorus, xx. 104. According to Strabo (vi. 3, 4), the Tarentines had a force of 30,000 foot and 3,000 horse.

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However much we may be inclined to suspect these accounts of exaggeration, we shall yet have no reason to doubt their substance on the whole. Even after the numerous devastations and butcheries of the last unhappy years it is probable that the fertile districts of southern Italy attracted again and again a numerous population, and more especially Campania, both on account of its superior fertility and because it seems to have suffered less than the more southern parts.

Population of Rome.

Of the number of Roman citizens we can speak with more certainty, because the enumerations of the census of this period have been authentically preserved. About the year 338 B.C., after the great Latin war, the number of citizens is stated to have been 165,000. Since then the numbers grew rapidly, and amounted towards the end of the Samnite wars to 250,000, and at the end of the period to 280,000 or 290,000 men capable of bearing arms. In those numbers are included, however, not only the Roman citizens enjoying the full franchise, but also the citizens of the second class, especially the Campanians. If we reckon the number of old men, women, and children to have been five times that of the men in the vigour of life, we find that the total number of free Romans was not much more than about a million and a half. Supposing that the slaves amounted to about half a million, and the foreigners settled in Rome to a few thousand, the total population of Rome and her immediate territory was little more than two millions. How many of these lived in the city of Rome itself we have no means of telling. The statements of the enumerations made in the time of the kings and the first years of the republic are not to be relied on; otherwise we might infer from them what the population of the town and the immediate neighbourhood could have been. If we consider the extent of territory over which the population of about two millions was spread, and which extended from the Ciminian hill in Etruria over the whole of Latium as far as Campania, and eastward as far as the country of the

Sabines and Marsians,—if we bear in mind that at that time Latium was covered with a number of small but populous cities, and that Campania had probably a still denser population, we shall come to the conclusion that the city of Rome itself could hardly have contained more than about 200,000 souls, a number which would make Rome the most populous Italian city of the time.

CHAPTER XVIII.

CONDITION OF THE ROMAN PEOPLE BEFORE THE BEGINNING OF THE WARS WITH CARTHAGE.

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HAVING followed the political development of the Roman people to the time when the republican institutions reached their maturity, and when the whole of Italy was incorporated with their dominion, we will now try to draw a sketch of the condition of the Roman people, of their social and intellectual life previous to the beginning of the long struggle with Carthage. Our information with regard to this side of the national life of the Romans is indeed still more scanty than that which has been preserved of political transactions. Many questions must remain unanswered, but, imperfect as our sketch will be, it will yet indicate the principal features and the general outlines of the development which the Romans had attained at this period of their existence.

Extent of our knowledge of Roman social life.

Roman religion.

The religion of Rome, as it appeared in the regal period, as well with regard to its external form as to its inmost character, was the product of a development of many generations which preceded the origin of the civil community. At the time when the primeval inhabitants of Italy did not yet form large political communities, but lived in small groups formed by families, houses, or tribes, more or less independent of each other, every house had its own gods and its peculiar worship. The hearth was the altar, the father of the family the priest. None but the members of a family shared in the worship of the family deity, and none but they were objects of its care and protection. In proportion, as families united and formed larger communities, there arose common sanctuaries as

religious symbols of political union. The foundation of a temple of Vesta, and the lighting of a sacred fire on the common hearth marked the commencement of a new commonwealth. It is for this reason that Romulus is represented as the son of a vestal virgin.[1] The dominion of the Etruscans introduced the worship of the Capitoline Jupiter, and placed it at the head of the Roman state religion. The worship of Ceres united the plebeians into a political body.[2] The league of the Romans with the Latins was ratified by their worshipping in common Jupiter Latiaris on the summit of the Alban mountain.

Influence of foreign conquests.

As the state was enlarged by conquest, the number of the national deities increased. The polytheistic religions of antiquity were not adverse to the reception of strange gods. The protecting deity of a conquered town or of a subjected people was received into the circle of the national gods.[3] There was no material difference between the religious conceptions of the various Italian nations, so that the religious system of one state was not disturbed by the introduction of deities belonging to another. Though the names by which the different peoples designated their gods varied greatly, yet the fundamental notions were the same, and the foreign elements easily and rapidly blended with the native.

Importation of Greek deities.

Not only from the neighbouring Italian countries, but from Greece also new deities were imported to Rome. The received narrative does not hesitate to assign the reception of Greek modes of worship to the very oldest period, long before any regular intercourse took place between Greeks and Romans. These statements originate in the desire to make it appear that Rome was a Greek town, or at least partly Greek, a desire which has led to numerous misrepresentations.[4] Hence the fable that, in prehistoric times, even long before the foundation of

[1] See above, pp. 8, 66. [2] Schwegler, *Röm. Gesch.*, ii. 278.

[3] After the conquest of Veii the Veientine Juno was solemnly transported to Rome and installed there.—Livy, v. 21.

[4] Consus, the native Italian god of generation, in whose honour Romulus is

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Rome, the Greek Herakles, in the course of his wanderings, came to the banks of the Tiber, and that an altar was erected there in his honour. There was worshipped in Rome a genuine Sabine deity called Semo-Sancus, identical with Jupiter.[1] This deity was identified with Herakles, and the forms of worship at his altar were assimilated to those of the Greek demigod.—In a similar manner the Greek Apollo is said to have been known in Rome in the regal period. The second Tarquinius, it is alleged, sent an embassy to Delphi to consult the oracle; the same was done at the time of the last war with Veii, 358 B.C. Apollo is said to have had a temple in Rome as early as the year 431 B.C., but this date is too early by eighty years,[2] and the worship of Apollo was not recognised by the state before the second Punic war, when the Apollinarian games were established.—The Sibylline books of prophecy were composed in the Greek language and introduced from Greece. But before their introduction there had existed in Rome native Italian prophecies of a similar kind, which were partly amalgamated with and partly superseded by those of foreign growth. As the authority of the Sibylline books was supposed to increase with their reputed age, the keepers of them endeavoured to make it appear that they were brought to Rome at the time of the Tarquins.[3]—Serious doubts are suggested by the story which refers to the introduction of the worship of Castor and Pollux. The legend was that these genuine Greek twin-gods came to the assistance of the Romans in the great battle of Regillus (496 B.C.), and that in consequence a temple was built for them on the Roman Forum. Unfortunately we have no evidence to show when this temple was really erected. Perhaps it was originally dedicated, not to the

said to have celebrated the Consualia, was identified with the Greek god Poseidon Hippios, and consequently called Neptunus Equester. See Schwegler, *Röm. Gesch.*, i. 472; Cox, *Mythology of the Aryan Nations*, i. 346.

[1] Schwegler, *Röm. Gesch.*, i. 364 ff. Preller, *Mythologie der Römer*, p. 640 ff. Hartung, *Religion der Römer*, ii. 21 ff. This deity was also known as Recaranus; see Cox, *Mythology*, ii. 340; Bréal, *Hercule et Cacus*, 57 *et seq.*

[2] See above, p. 250, note [2].

[3] See p. 80, note [1].

Greek heroes Kastor and Polydeukês (Pollux), but to the genuine Italian deities, called Lares Præstites, who had some resemblance to the Greek heroes and were easily identified with them.[1]

The Latin Æsculapius.

The first introduction of a Greek deity which is historically certain beyond all doubt took place in the year 291 B.C., towards the end of the third Samnite war. A contagious disease had ravaged Rome. The Sibylline books were consulted, and on their advice an embassy was sent to Epidaurus in Peloponnesus, for the purpose of bringing away the healing god Asklepios. The sacred serpent from the temple of the god, it is said, willingly followed the ambassadors on to their ship, and when this had sailed into the Tiber and was nearing Rome, the serpent swam to the island in the river, where a temple was erected afterwards to the god Æsculapius. This solemn reception of an inferior deity like Æsculapius, resolved by a formal decree of the senate and carried into effect with ostentation, contrasts surprisingly with the introduction of the service of Apollo, which took place noiselessly and quietly, so that the inference seems justified that the latter was effected by the gradual assimilation of a national deity with the Greek god of light.

State adoption of family deities.

Simultaneously with the reception of foreign gods, it appears that the worship of several deities, which had been peculiar to individual families, was taken up by the community at large. Appius Claudius, the bold reformer, who admitted the great mass of half-citizens and freedmen to the full franchise,[2] caused the service of Hercules, which had been confined to the family of the Potitii, to be taken up by the state.[3] We are not informed if the same change was effected with regard to other family cults. It is a reform which shows that the state as such asserted more and more its superiority over the various parts, such as families and houses, which had combined to form it, and

[1] Schwegler, *Röm. Gesch.*, i. 434 ff. The similarity appears very clearly from Dionysius, i. 68.

[2] See p. 431 ff.

[3] Livy, ix. 29.

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which at an earlier period had retained many of the functions of independent sovereign communities.

Roman morality.

Whilst the objects of the public worship at Rome were multiplied, no essential change took place in the religious conceptions of the people and in the external forms of worship. Religion and morality were still considered to consist in the observance of a complicated system of ceremonies, and the relation of man to God was viewed more in the light of legal than of moral obligations; the gods were entitled to certain stipulated services, and man, in his turn, duly discharging these duties, was considered equally entitled to the consideration and protection of the gods. Religion exercised no influence whatever on the actions of individuals or of the state, because the heart and the conscience were not touched by it. The sense of justice was blunted by exclusive attention to mere formalities. The spirit succumbed to the letter. When war was declared, the strict formalities of the ritual prescribed by the fetiales were observed. If nothing was neglected in the mode of formally announcing hostilities, the war was considered just and the Roman people believed themselves entitled to claim the assistance of the gods as a due. This scrupulous attention to prescribed forms caused a serious difficulty when the war with Pyrrhus broke out. It was prescribed that the fetiales should proceed to the frontier of the hostile territory, and, after repeating the formal declaration of war, should throw a spear on it. The land of King Pyrrhus, however, lay far distant across the sea; how was it possible to comply with the strict form of the law? The mode adopted to solve the difficulty was characteristic. A field in the neighbourhood of Rome was purchased by an Epirot and declared to be hostile land. Now the spear could be duly thrown on it, and the Roman people had the conviction that they were waging a just war.

Treatment of the ceremonial law.

The sophistry with which the conscience of the Romans extricated itself from the toils of the ceremonial law, enabled them to preserve the old forms long after they

had ceased to have any meaning or even to be respected. From year to year they were felt to be more troublesome in proportion as public and private life lost their old simplicity and monotony. When religion was employed more and more as a political engine for the purpose of thwarting progress or for supporting the influence of faction, the people, in spite of their superstitious regard for old institutions and forms, began to pay less attention to what they had formerly respected as divine commands. Yet even then the old ceremonies were not abolished. The auguries, the sacrifices, and formal prayers were scrupulously repeated, even when they had ceased to command respect or to satisfy any religious cravings. The obstructions to a liberal development of the constitution which religion opposed were overcome but slowly and with difficulty. As the sovereignty of the state passed from the assembly of the patrician curiæ to that of the centuries which contained both orders of citizens, and further to that of the tribes, from which the patricians were excluded, serious religious difficulties had to be encountered and overcome; for every political institution was fenced round and guarded by religious sanctions, which it was sacrilege to touch. How could plebeians perform the solemn sacrifices, take the auguries and commune with the gods in the forms which were the exclusive and hereditary possession of the patrician families? However much the political institutions might require change and adaptation to new circumstances, the gods were eternal and their service could not suffer any interruption or modification for reasons of political convenience. Yet such pretensions were in the long run not strong enough to stem the tide of reform. Plebeians were admitted to the sacred duties; they did take the auspices, as the patricians had done, and yet the gods were not less propitious than before. The plebeian assembly of tribes left the religious formalities in the possession of the more ancient and more dignified bodies; it was satisfied with minor, less solemn, and less burdensome auspicia, but it nevertheless exercised the

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sovereignty which the law conferred on it all the same. The cumbrous old system of auspices was modified to suit the wants of a less scrupulous age. The signs given by the wild birds of the air were supplemented by those of the domesticated fowl, which, by its greater or less eagerness in swallowing food, indicated the amount of approval vouchsafed by the gods to any undertaking. Nothing could be more convenient than a prophetic animal kept in a cage and indicating by its appetite the will of the gods. No wonder that religious formalities of this kind soon became contemptible. Perhaps no other nation, in ancient or in modern times, would, under similar circumstances, have patiently continued practices so derogatory and injurious to the essence of religion.

Growth of superstition.

But the innovations in the ceremonial observances and the increasing doubts as to their efficacy, did little to shake the deep-rooted faith and superstition of the Roman people. The first traces of scepticism and irreligion, directed to a denial of a divine government of the world, occur in the succeeding period, and were caused by the contact with the literature and philosophy of Greece. Simultaneously with the Greek freethinkers and atheists, a host of Greek and Oriental magicians, conjurors, prophets, and religious jugglers of all sorts made their entry into Rome. The capital of the ancient world became a Pandemonium for all the unclean spirits, cast out from their old abodes by the master spirit of all, the spirit of lucre, which drove them to a promising locality. Loud complaints arose from the defenders of the old national religion. The spirit of intolerance awoke. The sanction of the state was obtained to purify Rome from the foreign intruders. But the religion of Rome was not so well organized for self-defence as the state. It lacked unity of system, precision of doctrine, and administrative organisation. It could not act like a Church militant, and all its efforts were fruitless. It may be doubted whether this was an evil. If foreign religions found admittance into Rome, it was because they satisfied a religious craving of the people

which the native religion neglected. The complaints of ancient and even of modern writers that the virtues of the Roman people suffered from these foreign influences seem groundless. Our knowledge suffices to show that the earlier period was the good old time only in the imagination or in the meaningless phrases of sentimental moralists.

Roman agriculture.

Agriculture and pasturage continued to be the principal occupation of the people, and they were carried on, as of old, by free peasants on farms of moderate extent. Towards the end of the Samnite wars, when thousands of prisoners of war had swelled the number of slaves, farming on a larger scale seems to have been attempted. Extensive landed estates were formed by the wealthy nobility and swallowed up the smaller holdings of the peasantry. Slowly but surely this social and economical revolution was consummated. It was possible only by a violation of the Licinian laws,[1] which had restricted the amount of public land that an individual was allowed to occupy. The guardians of the law frequently inforced fines,[2] and endeavoured to curb the greediness of the rich and the powerful. The time was not yet come when the public good was borne down by the interests of private men, when the Licinian law became obsolete and forgotten, and when the free peasantry was swept away from the soil and slaves cultivated the vast estates of the wealthy. If the law had continued to be inforced, as it was before the Punic wars, the Gracchi would not have found a state of social disorder that was beyond all cure. The anecdotes of the poverty of Fabricius[3] and Curius[4] seem to show that wealth was not absolutely necessary, even as late as the war with Pyrrhus, for a man to obtain the highest honours of the state. The story of Cornelius Rufinus,[5]

[1] See p. 326 ff.

[2] Livy, x. 13: 'Eo anno plerisque dies dicta ab ædilibus, qui plus quam lege finitum erat, agri possiderunt.' Livy, x. 23, 47.

[3] Valer. Max. iv. 3, 7; iv. 4, 10. Cicero, *Tuscul.*, iii. 23, 56; *De Leg. Agr.*, ii. 24, 64.

[4] Plutarch, *Cato*, 2. Cicero, *De Rep.*, iii. 28, 40; *Cato*, 16, 55; *Paradox*, i. 2, 12; v. 2, 38; vi. 2, 48. Valer. Max., iv. 3, 5.

[5] Livy, epit. 14.

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who was expelled from the senate for having in his house silver plate to the extent of ten pounds, would prove, if true, that in the same period the ancestral simplicity of manners was still maintained. But the ostentation with which these stories are repeated shows that even then a change was taking place, and that men like Fabricius and Curius were not the rule but the exception.

Roman notions of commerce.

When Rome grew to be the capital and centre of a large empire, it was necessary that the character of the town population should undergo a change. Industry and trade supplanted agricultural pursuits. The soil of the town was too valuable for growing corn, wine, fruit, or grass. Workshops and sale-rooms superseded stables and granaries. The houses of the nobility assumed larger dimensions. Foreigners and freedmen carried on a lucrative trade, which the genuine Romans were too proud or too dull to engage in. What they thought of such occupations, we learn from Cicero,[1] who looks upon the useful crafts as a mild sort of slavery, upon retail trade as a continued practice of puffing and cheating, and barely admits that the wholesale merchant is not utterly contemptible, but may even deserve commendation if, satisfied with his profits, he gives up his business to retire into the country, and to live at last as a gentleman. We may be sure that such views of industrial and commercial pursuits were not peculiar to conceited philosophers or self-complacent aristocrats like Cicero, but that they expressed a national prejudice and prevailed even more generally before the Punic wars than at a later period.

Roman buildings.

The external appearance of the city of Rome was in keeping with the economical and social condition of the inhabitants at a time before the wealth of conquered provinces had flowed thither, and before the nobles had begun to vie with each other in displaying the spoils of their rapacity. Whilst the private dwellings were mean, the buildings erected at the public cost were worthy of

[1] Cicero, *Offic.*, i. 42. The views of Cicero are held by many in England, but hardly confessed by any one.

the greatness of Rome. Numerous temples adorned all parts of the town. In the short space of twelve years, from 302 to 290 B.C., not less than eight new ones are said to have been vowed or built.[1] Some of these no doubt were insignificant.[2] None could compare with the magnificence of the temple of Jupiter on the Capitol; but it appears that a large portion of the booty made in the wars with the Samnites and with Pyrrhus was devoted to the adornment of the town. The first great pictorial decorations were executed at this time.[3] It was a Roman from one of the noblest families who devoted himself to the art of painting. C. Fabius, surnamed Pictor, showed his fellow-citizens, and especially the men of the noble houses, a new way of distinguishing themselves and of benefiting their country. He proved that it was not unworthy of a noble Roman to cultivate the arts.[4] The Fabian house produced afterwards also the first historian of Rome. But these attempts to cultivate the arts and literature had but little effect. The genuine Romans looked upon such pursuits as interfering with the first and all-engrossing duty of a citizen and a soldier; for a long time they frowned upon the polite arts of the Greeks, and even after this prejudice was overcome, it was an exception when a true Roman devoted himself to them.

From the Gallic conflagration Rome gradually rose to

[1] The first of the temples was according to Livy (x. 19) that of Bellona, dedicated in 296 B.C. by Appius Claudius and ornamented with the escutcheons of his family. Pliny (*Hist. Nat.*, xxxv. 2, 3), on the contrary, states that this temple was erected by Appius Claudius, consul of 495 B.C., two hundred years earlier. This is a good example, to show the value of the chronological statements of Pliny which refer to the age of works of art or edifices. But what can we expect from a writer who seriously tells us that statues were preserved from the time of Evander, *i.e.*, the time of Hercules (*Hist. Nat.*, xxxiv. 7, 16)?

[2] Every space consecrated by the augurs, though not even enclosed by walls, was called *templum*.—Gellius, xiv. 7, 7. Schwegler, *Röm. Gesch.*, ii. 565, Anm. 3.

[3] We cannot fix the time when the Greek artists Damophilos and Gorgasos executed painted clay figures for the temple of Ceres.—Schwegler, *Röm. Gesch.*, i. 382, Anm. 2.

[4] His pictures in the temple of Salus on the Capitol were admired even at a late period.

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greater splendour. The huge substructions of the Capitol dated from this period. By degrees the Forum assumed a more imposing appearance. In the place of the butchers' shops beautiful porticoes were erected, where silversmiths and bankers carried on their business; on festive occasions the columns were ornamented with captured arms.[1] The platform for the public orators was decorated with the beaks of the ships taken at Antium (338 B.C.).[2] Various works of art and statues were erected all around. The statue of the famous augur Attus Navius, who opposed the reform of Tarquinius Priscus,[3] was among the number. Ignorance and credulity ascribed the erection to the regal period. There were also the statues of Horatius Cocles, of Clœlia, of the four ambassadors murdered in Fidenæ (438 B.C.),[4] of Hermodoros of Ephesus, who is said to have assisted the decemvirs in the drawing up of their laws. All these, and moreover the statues of the kings of Rome, of T. Tatius and Junius Brutus, were most probably set up about this time. In 296 B.C. the ædiles Quintus and Cneius Ogulnius placed under the Romulean fig-tree[5] a bronze figure of the suckling she-wolf, of which a copy, perhaps the original, has been preserved to our own day.

Growing splendour of Rome.

Most of the works of art which were then put up in Rome were probably not of Roman origin. They were either bought in Etruria, like the four-horse chariot of

Accumulation of works of art in Rome.

[1] Family pride prompted the Roman nobles to erect at their own expense public monuments in honour of their ancestors, without any authorisation from the state. This custom became so prevalent, in course of time, that the temples and public places were crowded with such statues, and that, 158 B.C., a wholesale clearance, by order of the censors, was absolutely required (Pliny, *Hist. Nat.*, xxxiv. 6, 14). One of the oldest of these monuments was reputed to be the equestrian statue of Q. Marcius Tremulus, who, as consul of the year 306 B.C., was said to have defeated the Samnites and to have triumphed over the Hernicans (Pliny, *Hist. Nat.*, xxxiv. 6, 11. Fast. Capit.). But there can be no doubt that it was erected much later, for in the period of the Samnite wars no Roman artists were able to cast equestrian statues.

[2] Livy, viii. 14: 'Rostris earum navium suggestum in foro exstructum adornari placuit.' Livy seems to imply that a new platform was constructed at that time.

[3] See above, p. 52. [4] See above, p. 237. [5] See above, p. 16.

clay which decorated the summit of the Capitoline temple of Jupiter, or they were spoils from Etruscan and Greek towns, and were falsely given out for Roman works. Nothing was easier than to give such statues Roman names. Almost any Greek male statue might pass for Romulus.[1] There can be no doubt that the practice of carrying away works of art from conquered towns was practised long before Tarentum, Syracuse, and Corinth fell into the hands of the Romans.[2] Apart from the inborn rapacity of the Romans, there was an inducement for such robbery in the national religion. It was customary to convey solemnly to Rome the principal deity of a conquered town, and to give it a place in the Roman worship. Thus the Veientine Juno was transferred to Rome. What was more natural than that other works of art should share the same fate? As soon as Rome was mistress of the Campanian towns, rich spoils of this kind fell into the hands of the conquerors, both there and in the several Greek colonies of southern Italy.[3]

[1] It argued, however, great ignorance, that nude statues should be taken to be portraits of Romulus and Tatius. These were certainly Greek works of art. See Ampère, *Histoire romaine à Rome*, iv. 4.

[2] When Volsinii was taken (see p. 479 f.) the Romans are said to have carried away two thousand statues.—Pliny, *Hist. Nat.*, xxxiv. 7, 16.

[3] As early as the year 293 B.C. the consul Spurius Carvilius is reported (Pliny, *Hist. Nat.*, xxxiv. 7. 18) to have caused a bronze colossus of Jupiter to be cast out of arms taken from the Samnites and to be placed on the Capitol. As Pliny is the only witness for this very dubious story, we are justified in questioning its truth. If Sp. Carvilius did erect a colossal statue of Jupiter, it was not cast in Rome, but carried away from Tarentum, The two consuls of 293 B.C., Papirius and Carvilius, were consuls again in 272 B.C., the year of the capture of Tarentum. It is quite customary with the old family chroniclers to refer events of a later period to an earlier year in which they discovered in the Fasti the name of the family. Now there were in Tarentum several colossal statues, among which one of Jupiter and one of Hercules, the work of Lysippus, are especially mentioned (Strabo, vi. 3. Pliny, *Hist. Nat.*, xxxiv. 7, 18). The latter of these two was in the second Punic war sent to Rome by Fabius Maximus and placed on the Capitol. The great colossus of Jupiter defied the ingenuity of the Roman engineers, who could not move it, and were therefore compelled to leave it in its place. It is not unlikely that there was in Tarentum a smaller colossus of Jupiter, and that Carvilius had this conveyed to Rome. The sun-dial which Papirius Cursor is said to have put up in Rome in 293 B.C. (Pliny, *Hist. Nat.*, vii. 60) seems likewise to have been taken from Tarentum in 272 B.C., and by a similar error to have been assigned to the first

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The streets.

Care was now taken not only to adorn Rome with works of art, but also to make improvements for the convenience, health, and comfort of the inhabitants. The grandest public work of this class was the great sewer, which is stated to have been constructed in the Etruscan period under Tarquinius Priscus. It drained the lower parts of the town between the hills, and made it habitable. Before the Gallic conflagration, the streets are said to have been regularly laid out with regard to the direction of this sewer; but when the town was hastily rebuilt, no attention was paid to the old line of streets, and accordingly Rome consisted of a maze of narrow, crooked, and irregular streets. It seems, however, that the statement of the original regularity of the Roman streets is a mere conjecture, for how could the knowledge of it have been preserved? Rome was, most probably, from the very beginning, like all other towns which rise spontaneously, built irregularly and inconveniently; and the Gallic conflagration, whatever alterations it may have caused, did not cause a change in this respect. The streets were too narrow for the constantly increasing traffic. They were not originally planned for carriages any more than the lanes of our mediæval towns. It was for this reason, and not only for the purpose of restraining luxurious habits, that the privilege of driving in carriages was confined to the vestal virgins and to the Roman matrons. Gradually the ædiles began to pave a few streets from the proceeds of fines inflicted for the violation of the Licinian land laws. Appius Claudius constructed the first aqueduct, and after the termination of the war with Pyrrhus, Manius

instead of the second consulship of Papirius. That the Romans were not able to construct a sun-dial (for which they had no native name, but used the Greek word *horologium*) follows from Pliny (*loc. cit.*), who says that in the first Punic war Valerius Messala brought one from Catania in Sicily to Rome, which, though it was of course incorrect under the meridian of Rome, was officially used by the community for ninety-nine years, until Q. Marcius Philippus, in 164 B.C., put up a correct one. It is hardly necessary to say that 129 years before this time no Roman could have constructed a sun-dial, and that if Papirius put one up, he must have taken it from a Greek town; most probably, therefore, from Tarentum.

Curius began to build a second with the spoils taken in that war, 273 B.C.

Growth of the sovereign power of the state.

While Rome, in consequence of the extension of the Roman dominion, became more and more the seat of industry, trade, and art, while increasing wealth banished the old simplicity and rustic contentment, and changed the external appearance of the city, a greater freedom showed itself in the observance of the old customs and in the rules of social and family life. The active intercourse with foreign nations, the enlarged knowledge, the new problems and experiences produced by the novel situation of the republic, had the effect of making it impossible to preserve the narrow, obstructive, and troublesome rules, which in a rude age had seemed necessary to preserve the family and society at large from anarchy. The strict laws of the paternal authority (the *patria potestas*) were relaxed; the ties which bound together the members of a house (*gens*) and of a family (*familia*), to make of them a small political community within the state, were loosened. The solemn form of marriage by 'confarreatio,' connected with auspicia and sacrifices, which had been originally peculiar to the patricians, was more and more superseded even in patrician houses by a kind of civil marriage.[1] At the same time the freedom of disposing by will, which had formerly been subject to the consent of the members of the house, or of the curiæ, was enlarged. In every way the barriers were broken down which in former times had confined the individual within the limits of his family, had hampered his freedom of action, and had placed an intermediate authority between him and the state. In the natural course of development, the sovereign power of the state superseded or absorbed the remnants of those institutions which had preceded the formation of the political union. The ancient tribes of Ramnes, Tities, and Luceres became things of the past and were surrendered to oblivion; the members of the different houses ceased to act for common political or

[1] By 'coëmptio,' *i.e.* fictitious purchase, and by 'usus,' *i.e.* prescription.

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social purposes; religious ceremonies alone preserved a faint memory of what had once been a vigorous institution.

Alleged increase of luxury.

It is the usual complaint of shallow moralists that with the old austerity and more rigid discipline, with the original poverty and limited enjoyments, nations lose their purity of morals, while they acquire wealth, culture, and refinement. Such a view as this prompted the absurd and useless sumptuary laws, of which Rome at a very early period had a great number. The Romans with their narrow views of life, their rustic parsimony, and their military liking for coercive measures, delighted in meddling in the affairs of private life, in prescribing how many flute-players should be allowed at a funeral, how much silver plate people should have in their houses, what ornaments they might exhibit in their dress. Even in the Twelve Tables there are traces of very minute regulations of this kind; and in spite of all the teaching of experience and all the evidence of the uselessness of such restrictions, the Romans continued to hope that such scarecrows would keep off immorality, and to think that virtue was safe if wealth was prevented from supplying its owners with the means of gratifying their tastes and vanities. History has taught us that rude and barbarous tribes are not more virtuous than nations advanced in civilisation, but that their vices are more coarse, fierce, and unblushing, because they are not controlled and reprobated by higher knowledge, delicacy of feeling, and the restraints of public opinion and refined culture. The Romans, as far as we can see, were even in the most ancient times hard-hearted, cruel, selfish, rapacious, and unscrupulous in taking advantage of the weakness of others for their own profit. It is not likely that increasing refinement, culture, and wealth made them worse in any respect. At any rate, in the period of which we speak, the change in the mode of living was not yet very great. What we hear of the extravagance which was then considered a sign of degeneracy is rather a proof

of simplicity and contentment. The consul Cornelius Rufinus was excluded from the senate by the censor C. Fabricius for having a few pounds of silver plate in his house. We should have a higher opinion of the censorial office if we could think that Rufinus was deemed unworthy of the rank of senator on account of his covetousness and rapacity, for which he was notorious.[1]—A curious illustration of the state of Roman society and manners is given by the story of an act of wholesale poisoning with which at the time of the great Latin war a number of matrons were charged.[2] In the year 331 B.C. several of the first men of the republic died of a malignant disease. On the evidence of a female slave, some noble matrons were charged with having poisoned them, and were compelled, in proof of their innocence, to drink the poison which they said that they had prepared as wholesome medicines. When they died in consequence, a general suspicion was engendered, and at last about 170 Roman matrons were convicted of poisoning and suffered death. Such an aberration of mind seemed like a disturbance of the laws of nature, and a dictator was appointed to drive a nail into the wall of the temple of the Capitoline Jupiter, a ceremony by which, as on former occasions, the anger of the gods was appeased and general confidence restored among the people. It appears, however, from Livy's narrative, that, even among the superstitious Roman annalists, there were some who attributed the numerous deaths of the year 331 B.C. to natural causes. We have no hesitation in upholding this sensible and humane judgment. It is but too well known by frequent experience that by great calamities, by unexplained and noxious natural phenomena, not only individuals, but whole populations, are demented with fear, and frantically rush into the wildest excesses of cruelty to save themselves. Even in the present age we have heard madmen shriek that the wells or even the medicines were

[1] Cicero, *De Orat.*, ii. 66, 268. Quinctilian, xii. 1, 43. Gellius, iv. 8.
[2] Livy, viii. 18.

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poisoned with which benevolence attempted to rescue them from the grip of death.[1] Fear, ignorance, and superstition have at all times generated cruelty, and nothing but these failings of the human mind invented the crime of poisoning in Rome and caused so many victims to suffer innocently an ignominious death.[2]

Roman love of holydays and religious shows.

During the Samnite wars the great mass of the Roman people retained the old simplicity of life in their dress, their dwellings, their food and drink. Their recreations and rejoicings, the popular festivals and domestic pleasures, were essentially the same as before. The number of festive days appears to have been very great even in ancient times. The Romans were always fond of holydays and religious shows. They never tired of public processions. Hence the popularity of the triumphal entries of the victorious generals, and the pomp and magnificence which were displayed on such occasions. The triumphal procession and the triumphal arch are genuine and characteristic productions, and owe their origin to the warlike spirit and the national and family pride of the Romans. No people but the Roman had triumphal fasti. The highest aspiration of the most ambitious citizen was to enter Rome at the head of a victorious army, exhibiting rich spoils and captured enemies; to pass along the Sacred Way and the Forum amidst the acclamations of the people dressed in their holyday attire; to ascend the Capitol, and in the temple of Jupiter to render thanks, in the name of the people, for the victory which the god had vouchsafed to them. Such days were the most glorious festivals of a warlike people, and they would have been days of honour if, by the native cruelty and inhumanity of the Romans, they had not too often become the day of death for defeated enemies. Whilst the triumphant consular general ascended the steps to the Capitol, the captive leader of the enemy was led into the dismal dungeon to

[1] The most horrid excesses of madness and cruelty occurred in Italy and Sicily during the ravages of cholera in 1867.

[2] Even as late as 180 B.C. the charge of wholesale poisoning is repeated during the ravages of pestilence.—Livy, xl. 37.

die. If it be true, as Roman annalists have related, that the noble Samnite, C. Pontius, twenty-seven years after he had spared the Roman legions at Caudium, trusting in Roman honour and justice, was led captive through the streets of Rome by Q. Fabius Gurges, and then put to death, this fact alone is enough to make us avert our eyes with loathing and horror from the most glorious of Roman triumphs.[1]

The great Roman games.

The triumphal processions were the first public rejoicings of the warlike people of Rome, but at a very early period—according to the legendary history, in the reign of the elder Tarquin—the so-called Great or Roman games (*Ludi magni, Ludi Romani*) were established, and several others in course of time. These games consisted at first of chariot races and boxing, and were celebrated in the great race-course (*Circus maximus*), between the Aventine and the Palatine. For a long time the Romans were contented with these innocent and bloodless exhibitions. But, in the beginning of the Punic wars, the hideous gladiatorial combats were introduced, which tended to brutalise the feelings and to deteriorate and blunt the taste for the enjoyments of genuine art.

The Roman theatre.

The first theatrical performances took place in the year 364 B.C., when, according to Livy's account, a great pestilence desolated Rome. It was for the purpose of averting the divine displeasure that the first artistic dances were introduced from Etruria. They were executed by Etruscan players, with an accompaniment of the flute, and were at first nothing but graceful rhythmical movements without song or dialogue, or any adaptation for mimic representation of a plot.[2] If the account is correct, the first scenic

[1] It is more likely that the captivity and death of Pontius are a mere boast of the Fabian chroniclers. Twenty-eight years had passed since the battle of Caudium. During the whole of this period we never once hear of C. Pontius. It is not at all probable that after such a long interval he was again placed at the head of the Samnite forces. We must, therefore, acquit the Romans of that act of barbarity with which they gratuitously charge themselves.

[2] Livy, vii. 2: 'Sine carmine ullo, sine imitandorum carminum actu, ludiones ex Etruria acciti ad tibicinis modos saltantes haud indecoros motus more Tusco dabant.'

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performance wanted the very germ of dramatic art, which consists in action expressed by words or songs, connected with expressive gestures. It is not possible to understand how the drama could be developed from such a beginning. We are therefore compelled to question the correctness of Livy's opinion, especially as we find that the elements of the drama were imported from elsewhere. The Greek tragedy and comedy were simply imitated by the Romans. The native Italian drama grew out of the oldest popular amusements, which had not, like the Dionysian festivals of the Greeks, an essentially religious character, but were of a social and economical nature, connected with the harvest, the vintage, the marriage feast. On such occasions the popular Italian poetry took the form of improvised mockery and jocular lines—the so-called Fescennine verses —and of harmless effusions, and sarcastic remarks on persons and things, called satires. All this poetry had reference to the actual life and present experience of the people, to matters with which they were familiar; and it differed therefore fundamentally from the choral poetry of the Greeks, which emanated from the religious ideas and the mythological conceptions of the past. The Italian games were therefore genuine carnival amusements or farces: they had neither dignity nor sobriety, neither depth of thought nor elevation of feeling. In various parts of Latium and Campania there arose different forms of such plays, containing both dialogue and action. All of them had this in common, that they were acted not by trained and paid artists, but by amateur players. They were all improvised, and could not, therefore, claim to be literary productions. The Fescennine verses and the satires had no direct influence on the regular drama of the subsequent period. But the popular farces called Fabulæ Atellanæ, cultivated originally at Atella in Campania, as their name seems to indicate, and transferred afterwards to Rome, were developed by poets and professional actors into a regular drama, and enjoyed a high degree of popularity by the side of the plays imported from Greece.

Popular poetry.

The period of which we speak contained other elements of poetry, which, if the Roman people had been gifted with a poetic vein, might have been developed into worthy branches of a national literature, but which remained neglected and despised by the higher class of minds, and therefore never emerged from the low sphere of unlettered society. First there were the funeral songs (*neniæ*), which were repeated by paid female mourners, and which seem to have consisted of general exclamations of wailing and sorrow with which the name of the departed was connected. If, instead of repeating the old lines over and over again, the merits of the great men had formed the subject of new compositions, what heroic songs might have been composed! As it was, the 'neniæ' were considered the worthless poetry of silly old women.[1]—Secondly, there is said to have been the practice at great banquets of letting youths sing songs in praise of departed worthies.[2] But we cannot form an idea of these poems, as they were never committed to writing, and were forgotten in historical times. If they had contained any elements of beauty, they would probably not have perished. Perhaps they were dry enumerations of personal virtues, qualities, and distinctions, of discharged public offices, of victories and triumphs, and they may have contained in a poetical form, *i.e.* in the rude Saturnian metre, the substance of family chronicles and traditions.—Thirdly, there were the couplets which the soldiers used to sing on the occasion of a triumph. They were not always complimentary to the triumphing general, but often the reverse, the licence of the day permitting the men to express their opinions freely. The Romans had great talent at all times for biting sarcasm and caustic satire, and some specimens of such poetry belonging to a later period exhibit these qualities in a sufficiently clear light, but show at the same time that the national literature was not likely to be enriched by wits from the

[1] Nonius, p. 145: 'Nenia, ineptum et inconditum carmen.' Horace, *Od.*, iii. 28, 16; *Ep.* i. 1, 63. Gellius, xviii. 7, 3.

[2] Cicero, *Tuscul.*, i. 2, 3; iv. 2, 3. *Brutus*, 19, 75. Valer. Max. ii. 1, 10.

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ranks.—Still less can we look for a poetic element in various kinds of popular poetry which exist everywhere among the lower strata of society, such as proverbs, popular maxims, peasants' rules of the weather and the crops, nursery rhymes, and spells for conjuring and healing. No degree of culture in the higher classes of society seems to affect these compositions. They are clung to with a wonderful tenacity, and survive the greatest intellectual and political revolutions.

Hindrances to the growth of Roman poetry.

While thus the genuine national elements of a poetical literature were left in Rome entirely to the care of the lower classes, while all poetic compositions were of a fugitive nature, and, having arisen in the excitement of the moment, passed away quickly to give place to another equally trivial and ephemeral, no progress and development could take place. The art of writing was indeed known and practised assiduously, but it was not applied for the purpose of preserving the popular poetry. It was in the service of the state, and was almost the monopoly of the men who worked in the public offices; of lawyers and of priests. The national literature of Rome was therefore originally prosaic. The lists of magistrates, the year-books of the pontifices, the formularies and official rules of the different offices of state and religion, the treaties concluded with neighbouring nations, the tables of the laws, formed the fundamental element of the oldest permanent literature. No attempt was made in these writings to please the taste. The chief requisite was accuracy in the wording, and thus a style originated somewhat like the jargon of English lawyers, which must have been even in antiquity as unintelligible and repulsive to the uninitiated as legal documents are nowadays. It is only when language is applied to address the general public, that it can be emancipated from the unnatural distortions, obscurities, and blemishes of purely technical diction.

Roman oratory.

Nothing is so well calculated to give flexibility and ease to a language as the custom of public speaking.

Where a select body of experienced and cultivated men determines the policy of a state in free debate, there is an admirable school for the cultivation of prose language. Such a school was the Roman senate. Here it was felt that clear, convincing speech was a weapon with which every statesman was obliged to be familiar. Unfortunately no reports of speeches of the early period have been preserved. The alleged speech in which Appius the Blind dissuaded the peace with Pyrrhus was indeed looked upon in Cicero's age as an authentic document of ancient oratory, but it could not have been faithfully reported. Yet, even without genuine specimens of the speeches of that time, we have no reason to doubt that the art of public speaking had reached a considerable degree of development.

Roman historical records.

While, as we have seen, neither the poetical nor the prosaic literature of Rome had even begun to be embodied in a permanent form in writing, it appears that the private records of the noble families, the meagre rudiments of historical works, were very numerous. The outlines of these records were the inscriptions under the images of the great men preserved in every noble house, which gave the titles and dignities of each. The substance was supplied chiefly by the orations (*laudationes*) which, on the occasion of a funeral, the next of kin used to deliver over the bier of the departed.

Funeral orations.

When a noble Roman had died, the body was adorned with the insignia of the public offices which he had discharged, and with the honorary distinctions he had gained in war; it was laid out in state in the great hall (the *atrium*) of his house, where in niches all around were exhibited the images of his ancestors. The funeral procession moved solemnly, like that of a triumph, to the sound of music and the loud wailing of the women. The bier was preceded by a line of men, who represented the predecessors of the departed, wearing their masks and the insignia of their office. Thus the deified heroes of every house, returning as it were from the grave, accompanied the dead on his last way, to conduct him into the spiritual world. On these occasions

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the nobility of every house was exhibited before the people in all its splendour. A long line of ancestors, a great number of honours and distinctions, were so many documents of nobility; and the people delighting in the greatness of their great men, and pleased with the show, were not over critical in examining too closely the validity of all the documents thus publicly passed in review. After the line of ancestors came the bier, carried by the nearest relatives of the departed, and followed by his friends and admirers. Thus the procession moved slowly to the Forum. Before the public platform the bier was put down; the ancestors ranged themselves around on ivory chairs; the train of mourners stood around in a circle; a son of the departed, or some other near relative, ascended the platform and delivered the funeral speech, the 'laudation,' which, as its name indicated, was intended to set forth the great deeds of the departed and those of his ancestors. All that the whole family had done for the glory and greatness of Rome was on such solemn occasions duly recorded.

Family chronicles.

It is evident that such speeches formed in themselves a kind of popular historical literature. They stood in the place of heroic songs, epic poetry, or ballads, which with other nations embodied and preserved the popular traditions of the past. Out of them grew the family chronicles, and these were the single threads out of which the history of the nation was woven. Specimens of them were preserved in later times, and even in Rome there were found critics who discovered that they were full of exaggerations and inventions.[1]

Freedom from foreign influence.

The national development of the Roman people, so far as we have now followed it, was in all essential points of Italian growth, independent of foreign influences; and in this respect the period over which we have travelled forms a contrast to that which followed it. The political institutions contain nothing that was imitated or borrowed from

[1] Cicero, *Brutus*, 16.

abroad;[1] they were evolved from the original Italian germs by a process of gradual steady reform, and not subject to violent revolutions and reactions.[2] They had now reached their maturity and completely satisfied the existing wants. Italy, united by a federal union, but not enslaved under the supremacy of the Roman senate and people, enjoyed internal peace and the means of developing the abundant sources of national wealth and prosperity. The old religion of the people was still dominant, and simplicity and purity of life, moderation and contentment—the virtues of poverty—were not yet extinct; intellectual culture, literature, art, science were in their infancy, and there was hope that they might grow with the greatness, the wealth, and the power of the nation.

Change introduced by the Punic wars.

But at this moment a great revolution took place. The Punic wars led to the conquest of provinces; the contact with the Greeks was fatal to the further development of the native Italian intellect. The foreign conquests enriched and demoralized the governing classes. Political power was more and more monopolized by a contracted oligarchy. Whilst the military strength of Greece succumbed to the Roman legions, the Hellenic mind triumphed over the Italian, and the union of the two generated that literature and that art which for many centuries were dominant in the greater part of Europe. Thus, whilst the republican institutions decayed, the mind of the people was invigorated and ennobled, till, under the first imperial ruler, the Roman state assumed a new form, and Græco-Roman civilisation reached its most perfect development.

[1] The influence of Etruria in the legendary pre-historic times was not permanent in anything but mere outward forms.

[2] It is unnecessary to point out to English readers the similarity which exists in this respect between Rome and England. Since the feudal system was introduced into England from Normandy, no direct influence has been exercised by the political institutions of any Continental country on those of England.

END OF THE FIRST VOLUME.

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